APPROVED JURISDICTIONAL DETERMINATION REQUEST FOR A PORTION OF THE RESOLUTION PIPELINE CORRIDOR, PINAL COUNTY, ARIZONA

Prepared for: U.S. Army Corps of Engineers

Prepared by: WestLand Resources, Inc. on behalf of Resolution Copper

Date: May 15, 2020

Project No.: 807.175 02 01

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MWL

I. INTRODUCTION

Resolution Copper (Resolution, the Applicant) is requesting an Approved Jurisdictional Determination (Approved JD) for the portion of the Resolution pipeline corridor located within the Queen Creek watershed in Pinal County, Arizona (the Analysis Area, Figure 1). This Analysis Area is approximately 3.6 miles long and 500 feet in width, totaling approximately 216 acres. This request is intended as a supplement to three previous Approved JD requests submitted to the U.S. Army Corps of Engineers (Corps) by WestLand Resources, Inc. (WestLand) on behalf of the Applicant: the West Plant and East Plant Analysis Areas (Corps File No. SPL-2013-00050-MWL), the Near West Analysis Area (Corps File No. SPL-2014-00064-MWL), and the MARCCO Analysis Area (Corps File No. SPL-2014-00315-MWL). A portion of the current Analysis Area also crosses surface water features included in the West Plant and East Plant Analysis Areas. The fact-specific analyses and determinations of 'no Corps jurisdiction' made in these previous submittals have direct bearing on the current Analysis Area and the fact-specific analysis for these drainage reaches.

This evaluation was conducted in accordance with the June 5, 2007 U.S. Army Corps of Engineers Jurisdictional Determination Form Instructional Guidebook (the Guidebook) and the December 2008 Corps/Environmental Protection Agency guidance entitled Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in Rapanos v. United States and Carabell v. United States (the Guidance). The Authorizations for Federal Access to the federally managed lands of the Analysis are included as Attachment A. Directions to the Analysis Area are provided as Attachment B. This memorandum includes graphics showing the Ordinary High Water Mark (OHWM) characteristics delineated within the drainages in the Analysis Area (Attachment C) and a completed Approved JD Form (Attachment D) for the delineated features. For those features previously delineated within the West Plant and East Plant Analysis Areas (Corps File No. SPL-2013-00050-MWL), the previous Approved JD Forms for those features are provided as Attachment E.

2. ANALYSIS AREA DESCRIPTION

The current Analysis Area consists of a pipeline corridor approximately 3.6 miles in length and located between Devil's Canyon in the vicinity of East Plant and the northern edge of the West Plant Site (**Figure 2**). The corridor crosses portions of Sections 23, 24, and 26 of Township 1 South, Range 12 East, and portions of Sections 19-21, 27, and 26 of Township 1 South, Range 13 East. This corridor is approximately 500 feet in width and includes approximately 194 acres of National Forest System lands and approximately 22 acres of privately held lands managed by the Applicant (**Figure 2**). The National Forest System lands are managed by the Mesa Ranger District as part of the Tonto National Forest.

The Analysis Area occurs entirely within the Upper Queen Creek watershed (HUC 1505010004) of the Middle Gila River sub-basin (15050100). The nearest Corps-designated Traditional Navigable

Water (TNW) downstream to the Analysis Area is the 6.9-mile reach of the Gila River between Powers Butte and Gillespie Dam, located approximately 126 river miles (94 aerial miles) from the closest portions of the Analysis Area. An aerial overview of the intervening landscape between the Analysis Area and the TNW reach of the Gila River is provided in **Figure 3**. Approximately 2 miles of the pipeline is proposed as a tunnel (**Figure 4**). This tunnel is not included in the Analysis Area as there will be no surface impacts and no OHWM is delineated in the area of the proposed tunnel. The current Analysis Area also intersects portions of the West Plant and East Plant Analysis Areas (Corps File No. SPL-2013-00050-MWL), and is located upgradient of the Near West Analysis Area (Corps File No. SPL-2014-00064-MWL) and a portion of the MARCCO Analysis Area (Corps File No. SPL-2014-00315-MWL). Some of the surface water features previously considered non-jurisdictional in the West Plant and East Plant Analysis Areas are included in the current Analysis Area. The Approved JD Forms for those previously considered features are provided as **Attachment E**.

3. ANALYSIS AREA FEATURES

All of the drainages considered in the current Analysis Area are ultimately tributary to the reach of Queen Creek upgradient of Whitlow Ranch Dam (**Figure 4**). Only one surface water feature, the isolated wetland previously considered in the West Plant and East Plant Analysis Areas (Corps File No. SPL-2013-00050-MWL) as Wetland 9 (**Figure 4**), is not. Excluding those features previously considered for the West and East Plant Analysis Areas for which there is a previous Corps determination, characteristics of an OHWM are present in approximately 13,310 linear feet of ephemeral channel within the current Analysis Area. Based on the observed width of the drainages, the estimated total area of potential non-wetland waters of the United States (Waters) is 1.735 acres.

All of the drainage features in the current Analysis Area are ephemeral drainages, flowing only briefly in direct response to storm events. No special aquatic sites beyond the isolated Wetland 9 were identified within the Analysis Area and no special aquatic sites are considered in the current determination request.

4. DOWNSTREAM CONNECTIVITY

4.1. HYDROLOGICAL CONNECTIVITY

The nearest Corps-designated TNW downgradient of the Analysis Area is the 6.9-mile reach of the Gila River between Powers Butte and Gillespie Dam, located approximately 126 river miles (94 aerial miles) from the closest portions of the Analysis Area. An aerial overview of the intervening landscape between the Analysis Area and the TNW reach of the Gila River is provided in **Figure 3**. As stated above, all of the drainages considered in the current Analysis Area are ultimately tributary to the reach of Queen Creek upgradient of Whitlow Ranch Dam.

Whitlow Ranch Dam is a significant impounding feature that alters the flow regime and condition of Queen Creek, effectively dividing Queen Creek into two separate physical reaches. Whitlow Ranch Dam is an earthfill dam constructed by the Corps in 1960 to provide flood protection to farmland and developed areas in the eastern portion of the Phoenix Basin. The dam detains stormwater flood flows and slowly meters out water impounded in the reservoir of the dam, limiting peak discharge while increasing flow duration, and allowing development such as the golf course located immediately downstream from Whitlow Ranch Dam. The Corps' reservoir regulations website acknowledges that outflow from the dam "usually percolates into the alluvial plain below the dam and rarely travels more than a few miles downstream" (Corps 2011).

The ephemeral reach of Queen Creek downgradient of the Whitlow Ranch Dam includes an approximately 11-mile stretch of the East Maricopa Floodway (EMF), a flood control channel that alternates between earthen and concrete-lined reaches. The Gila River downstream of the confluence with the EMF is classified as ephemeral to the confluence with the Salt River, a total reach length of more than 30 river miles. Beginning at the confluence of the Gila and Salt Rivers, the Gila River is an effluent-dependent water for the remainder of the 40 river miles to the TNW reach at Powers Butte (A.A.C. Title 18, Chapter 11, Appendix B).

Although a general flowpath can be discerned, a number of man-made impoundments and diversions are located between the Analysis Area and the downgradient TNW that significantly limit the transmission of flows. This is attributed to major impoundments along the flow route, including Whitlow Dam, Sonoqui Dike, the Central Arizona Project (CAP) Canal, housing developments in the greater Phoenix Valley, agriculture operations, and multiple sand and gravel mining operations. Transport of flows, nutrients, sediment, or pollutants from the Analysis Area are significantly impeded, if not completely precluded, by the presence of these significant man-made impoundments and disturbances along the downstream flowpath. This lack of hydrologic or other forms of connectivity was a significant factor in the Corps' previous determination of 'no jurisdiction' in the West Plant and East Plant, Near West, and MARCCO Approved JDs.

A coincident flow analysis was completed by JE Fuller Hydrology & Geomorphology, Inc. (JEF; 2011) for the West Plant and East Plant Approved JD and was included as supporting evidence in the Near West and MARCCO Approved JDs. This analysis is relevant to the possibility of hydrologic or other connection between the surface water features in the current Analysis Area and the TNW reach of the Gila River between Powers Butte and the Gillespie Dam. JEF (2011) identified ten gaged locations along the path of interest from the Whitlow Ranch Dam to the Gila River at the Gillespie Dam and identified an overlapping period of concurrent operation of slightly more than 10 years, between the years 2000 and 2011 (JEF 2011). Mean daily flow rate data from the gages for these 10 years, a period from 2000 to 2010, was then analyzed for instances of non-zero flow at each gage, and these instances correlated to identify potential concurrent flow.

Based on the gage data, no flow was present at the Whitlow Ranch Dam for approximately 98 percent of the 10-year period of record, and analysis of the 10-year period of record identified no instances of potential concurrent flow within the reach of interest (JEF 2011). These data suggest large transmission losses, specifically between Whitlow Ranch Dam on Queen Creek and the EMF outfall to the Gila River, were responsible for the lack of coincident flow (JEF 2011). This was attributed to the major impoundments along the flow route, including Whitlow Dam, Sonoqui Dike, housing developments in the greater Phoenix Valley, agriculture operations, and multiple sand and gravel mining operations. The data further suggested that those stormwater flows that originate in the EMF and discharge to the Gila River are lost through percolation into the alluvium of the Gila River and are not transmitted downstream (JEF 2011).

4.2. PHYSICAL/CHEMICAL CONNECTIVITY

Within the Analysis Area, potential pollutant sources consist mainly of unconsolidated sediment and dissolved copper. Transport of sediment from the Analysis Area is significantly impeded, if not completely precluded, however, by the presence of the Whitlow Ranch Dam, the Sonoqui Dike, the Magma Flood Retarding Structure, and other man-made impoundments and disturbances along the downstream flowpath. Whitlow Ranch Dam is known to function as an effective sediment trap, as is the Sonoqui Dike, evidenced by the Section 404 Permit Public Notice for the Queen Creek Channel Improvements Project (Corps File No. SPL-2010-00916-WHM).

The 2018 Arizona Department of Environmental Quality (ADEQ) 303(d) Impaired Waters List (ADEQ 2020) categorized the reach of Queen Creek downgradient of the Analysis Area as currently impaired dissolved copper. The reach of Queen Creek immediately downstream of Whitlow Ranch Dam remains unimpaired, however, suggesting chemical connectivity to drainages downstream from the Analysis Area are limited. The 6.9-mile reach of the Gila River TNW between Powers Butte and Gillespie Dam is listed as impaired for waterborne concentrations of selenium (ADEQ 2020), as a result of current and historic agricultural activities along the TNW itself. Even if there were regular hydrologic connectivity between the ephemeral drainages of the Analysis Area and the TNW, the Analysis Area itself is too distant to contribute the pollutants causing current impairment in the TNW.

4.3. BIOLOGICAL CONNECTIVITY

The surface water features within the Analysis Area do not provide significant habitat or life cycle support functions for any species population found within the TNW reach of the Gila River beginning at Powers Butte. Given the distance to the TNW and the man-made impoundments, this lack of life cycle support can be extended to include potential contributions of nutrients and organic carbon to species within the TNW. There is no designated critical habitat within the Analysis Area or along the downgradient flowpath to the nearest TNW. The riparian and xeroriparian habitats within the Analysis

Area are interrupted downstream from the Analysis Area by man-made impoundments, active agriculture, and residential and commercial development in the East Phoenix Valley.

In discussing biological considerations, the Guidance notes that ephemeral tributaries in the arid west may provide habitat for wildlife and aquatic organisms in downstream TNWs. However, the surface water features within the Analysis Area were not found to provide habitat or life cycle support functions for aquatic species. Additionally, Winter (2007) notes that "nearly all streams need to have some contribution from ground water in order to provide reliable habitat for aquatic organisms."

Based on these factors, the surface water features within the Analysis Area do not have a more than insubstantial or speculative biological connection to the downgradient TNW.

5. SIGNIFICANT NEXUS ANALYSIS

As discussed in **Section 3**, there is little to no hydrological, physical, chemical, or biological connection between the surface water features within the Analysis Area and the Gila River, even in the 100-year runoff event. The significant distance between the Analysis Area and the downgradient TNW (126 river miles and 94 aerial miles), as well as the presence of several constructed impediments to flow, suggests that there is no potential for the drainages within the Analysis Area to have a more than insubstantial or speculative effect on the hydrological, physical, chemical, or biological integrity of the TNW.

The three previous Approved JDs this request is supplementing were subject to the same impounding features that precluded a significant connection to the downstream TNW and were determined to have no significant nexus to the TNW.

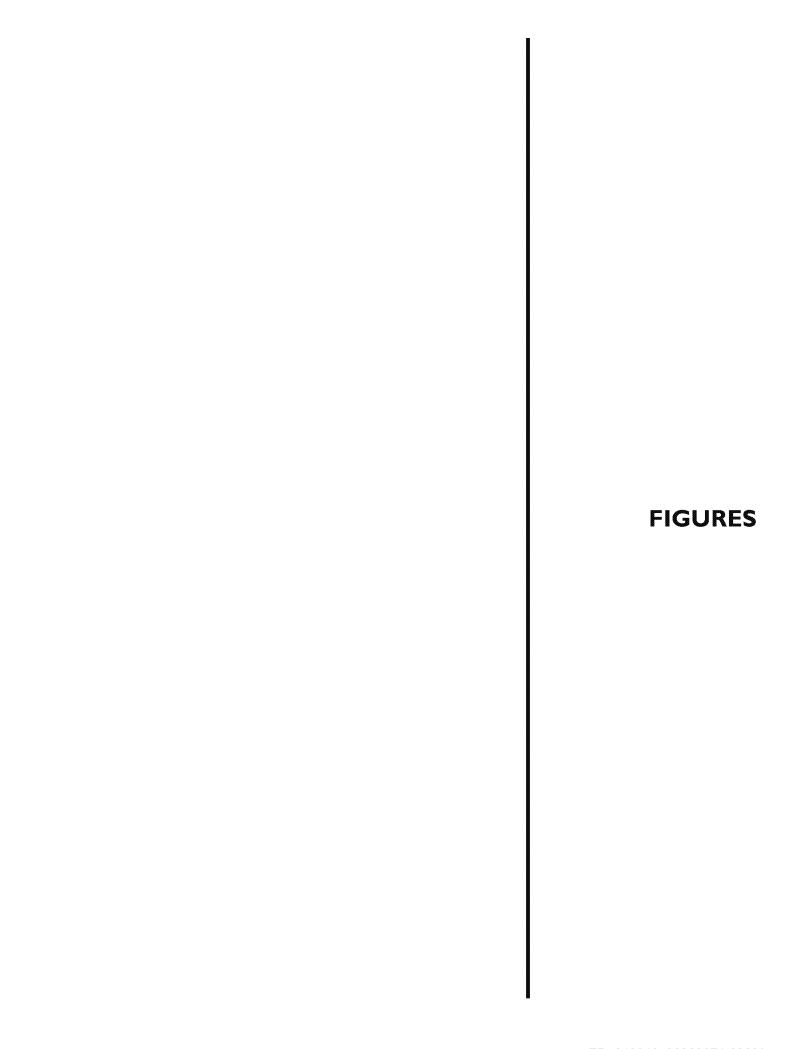
6. JURISDICTIONAL ANALYSIS

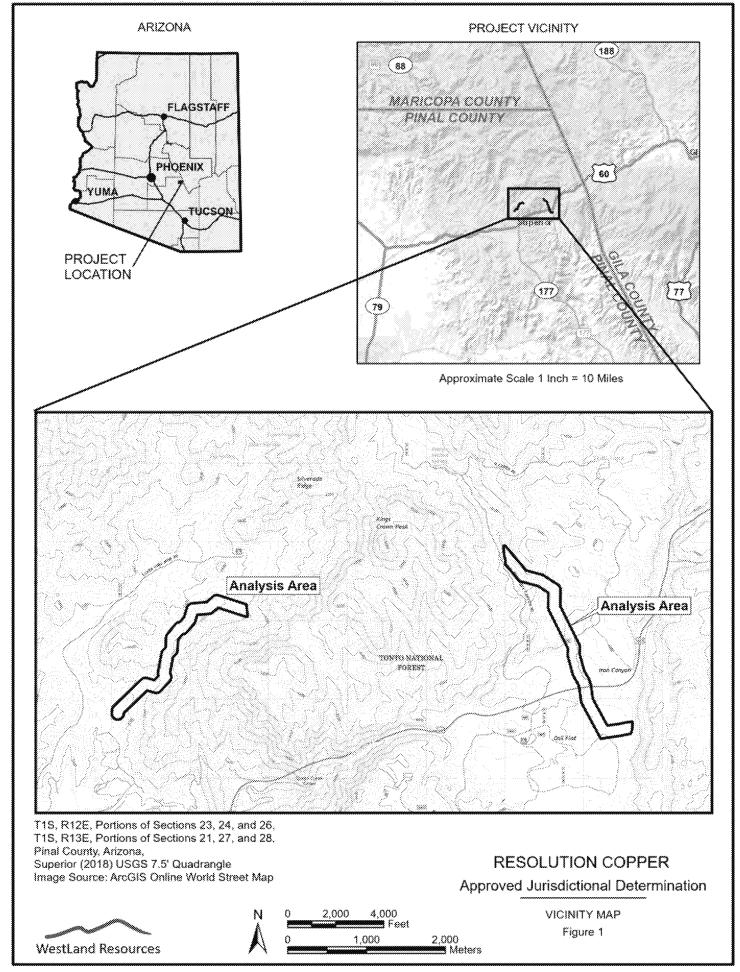
The Analysis Area is located approximately 126 river miles (94 aerial miles) from the 6.9-mile TNW reach of the Gila River between Powers Butte and Gillespie Dam. The potential flowpath from the Analysis Area to the TNW includes lengthy, ephemeral reaches of Queen Creek, the EMF, and the Gila River, with significant major impoundments along the flow route, including Whitlow Ranch Dam, the Sonoqui Dike, and the CAP Canal. Transport of flows, nutrients, sediment, or pollutants from the Analysis Area are significantly impeded, if not completely precluded, by the presence of these significant man-made impoundments and disturbances along the downstream flowpath. The fact-specific analyses and determinations of 'no Corps jurisdiction' made in the West Plant and East Plant (Corps File No. SPL-2013-00050-MWL), the Near West (Corps File No. SPL-2014-00064-MWL), and MARCCO Approved JDs (Corps File No. SPL-2014-00315-MWL) relied heavily on this lack of connection and it has direct bearing on the fact-specific analysis for the surface water features within the current Analysis Area.

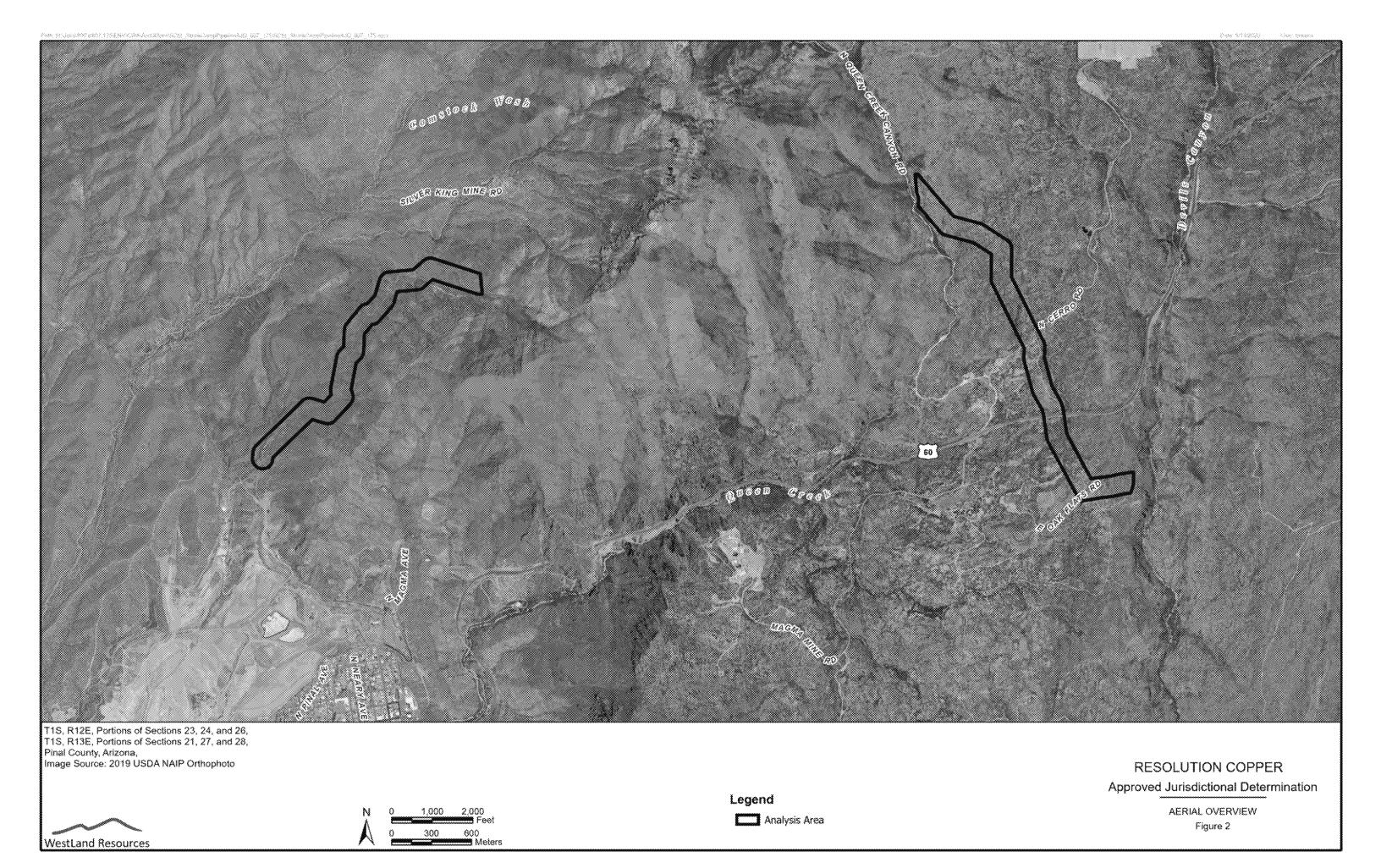
The characteristics of the surface water features within the current Analysis Area and the flowpath to the TNW eliminate the potential for a more than insubstantial hydrologic connection to exist between the Analysis Area and the downgradient TNW. The surface water features within the current Analysis Area do not either contribute or filter pollutants, or contribute sediments at an amount or frequency that would affect the chemical or physical integrity of the downstream TNW. They do not provide significant habitat or life cycle support functions for any species population found within the TNW, do not affect the aquatic habitat of or the amount of nutrient transport to the TNW reach of the Gila River, and do not have a more than insubstantial effect on the biological integrity of this TNW. As such, there is no significant nexus between the surface water features within the current Analysis Area and the downgradient TNW and, as such, these features are not jurisdictional Waters.

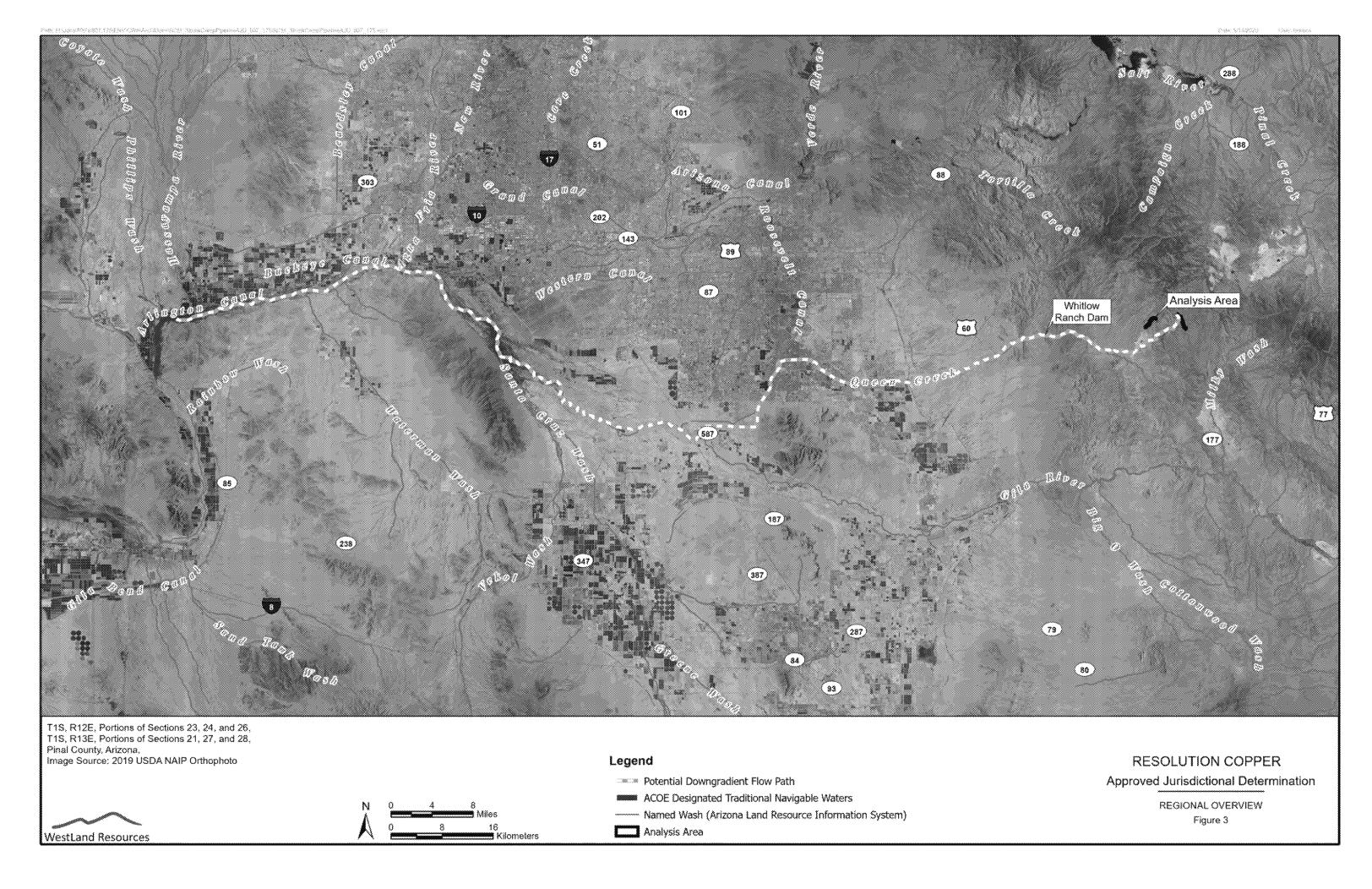
7. REFERENCES

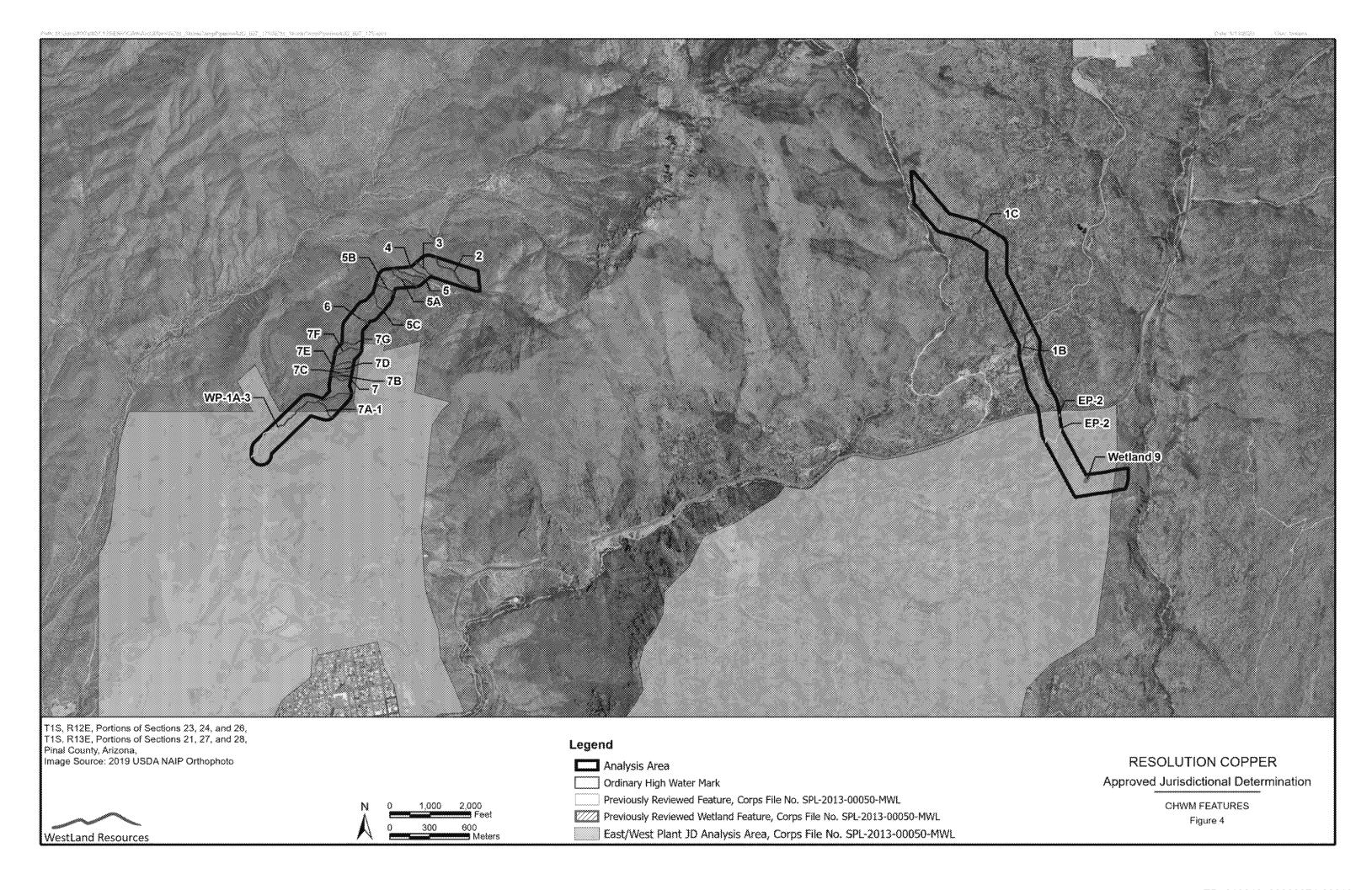
- Arizona Department of Environmental Quality (ADEQ). 2020. Arizona's 2018 303(d) List of Impaired Waters. Available at: https://static.azdeq.gov/pn/pn_303d_2018draft.pdf.
- Army Corps of Engineers (Corps). 2011. *Whitlow Ranch Dam*. Los Angeles District, Reservoir Regulations webpage. Available at: http://www.spl.usace.army.mil/resreg/htdocs/whtl_2.html.
- JE Fuller Hydrology and Geomorphology, Inc. (JEF). 2011. Resolution Copper: Significant Nexus Evaluation. JE Fuller Hydrology and Geomorphology, Inc., Phoenix, Arizona.
- Montgomery and Associates (Montgomery). 2013. Surface Water Baseline Report: Devils Canyon, Mineral Creek and Queen Creek Watersheds, Resolution Copper Mining LLC, Pinal County, Arizona. Prepared for Resolution Copper. Tucson, Arizona: Montgomery and Associates Inc. May 16. Available at: https://www.resolutionmineeis.us/documents/montgomery-surface-water-baseline-20130516
- Winter, Thomas C. 2007. The Role of Ground Water in Generating Streamflow in Headwater Areas and in Maintaining Base Flow. *Journal of the American Water Resources Association*, 43(1):15-25.

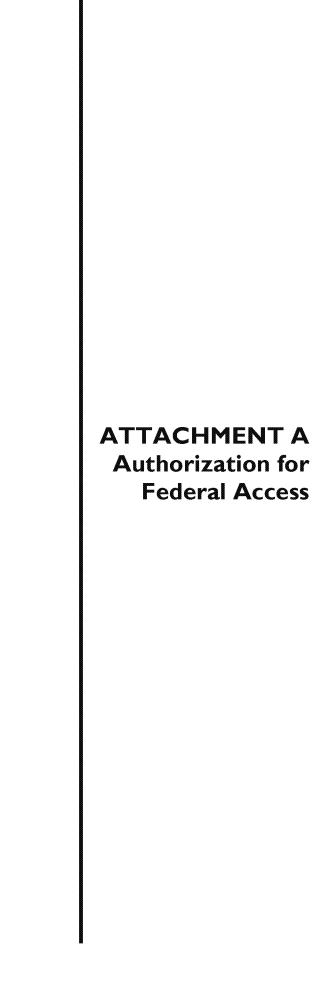














2324 East McDowell Road Phoenix, AZ 85006 602-225-5200 TDD: 602-225-5395

TDD: 602-225-5395 Fax: 602-225-5295

File Code: 1950

Date: May 18, 2020

Mr. Michael Langley Senior Regulatory Project Manager U.S. Army Corps of Engineers 3636 North Central Avenue, Suite 900 Phoenix, AZ 85707

RE: Acknowledgement of Approved Jurisdictional Determination Request on NFS Lands

Dear Mr. Langley:

It has come to my attention that an Approved Jurisdictional Determination (Approved JD) request has been submitted by WestLand Resources, Inc., on behalf of Resolution Copper Mining, LLC, for a portion of the proposed copper mine facilities located within the Queen Creek watershed within Pinal County, Arizona.

It's my understanding that the request is focused solely on the corridor identified for the proposed tailings slurry pipeline and that the proposed corridor alignment includes approximately 321 acres of National Forest System (NFS) lands. These are lands that are managed by the USDA Forest Service as part of the Tonto National Forest.

With this letter, the Forest Service acknowledges the Approved JD request for these lands. Please contact my Project Manager, Mary Rasmussen, at mary.rasmussen@usda.gov, if there are questions or you need additional assistance regarding this matter.

As we navigate the remaining regulatory review processes of this complex high-profile project, know that I value the cooperative relationship that has emerged between our respective agencies.

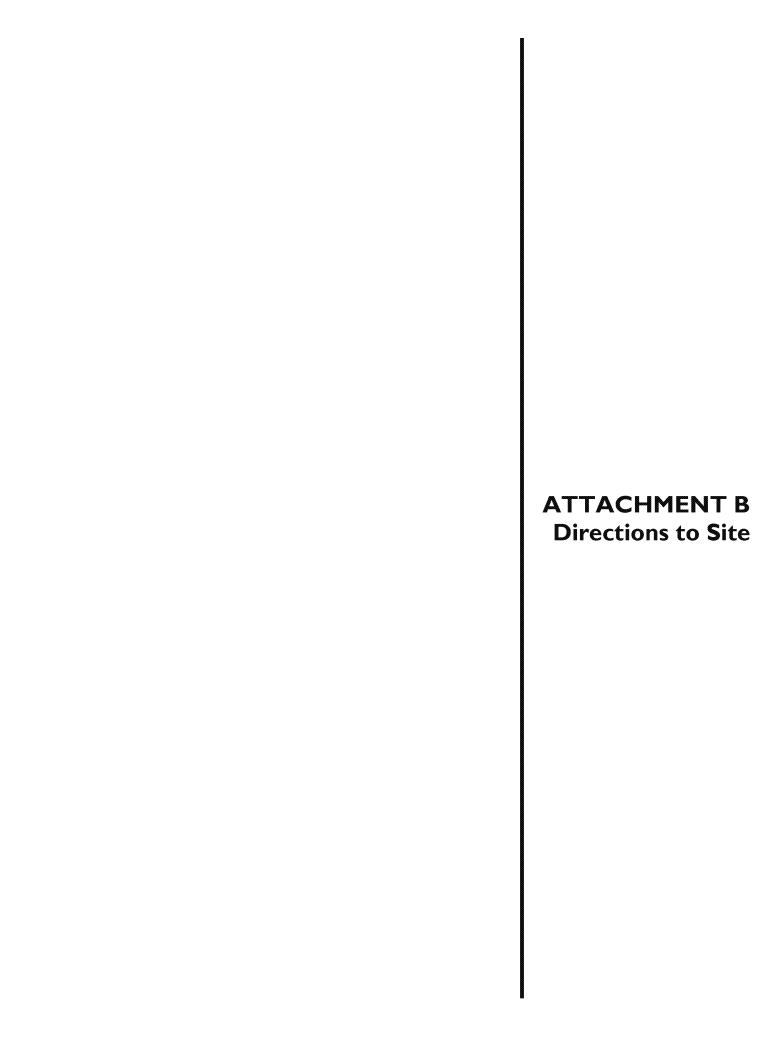
Sincerely,



cc: michael.w.langley@usace.army.mil; mary.rasmussen@usda.gov; victoria.peacey@riotinto.com; cgarrett@swca.com







Gougle maps

Directions to N Magma Ave 67.4 mi - about 1 hour 20 mins - up to 1 hour 50 mins in traffic



total 67.4 mi



3636 N Central Ave. Phoenix, AZ 85012

Ţ			
Y		. Head south on N Central Ave toward W Columbus Ave About 4 mins	go 1,7 mi total 1,7 mi
4	2.	. Turn left anto E McDowell Rd About 1 min	go 0,3 mi total 2,0 mi
r)	3.	Take the 3rd right onto N 3rd St. About 1 min	go 0.2 mi total 2.2 mi
₩ '		. Turn left to merge onto I-10 E About 10 mins	go 9.2 mi total 11.4 mi
(<u>60</u>)	5,	i. Take exit 154 to merge onto US-60 E toward Mesa - Globe About 1 hour 1 min	go 55.2 mi total 66.6 mi
7	₿,	. Take the AZ-177 exit	go 0,2 mi total 66,8 mi
4	7.	Turn left onto AZ-177 N/Ray Rd Continue to follow Ray Rd About 2 mins	go 0,2 mi tetal 67,0 mi
}	8.	Continue onto N Magma Ave	go 0.3 mi

N Magma Ave

About 1 min

These directions are for planning purposes only You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Map data ©2011 Google

Directions weren't right? Please find your route on maps google.com and click "Report a problem" at the bottom left.

ATTACHMENT C
CWA Section 404
Jurisdictional
Determination
Map

ATTACHMENT D
CWA Section 404
Jurisdictional
Determination
Forms

APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers

Fea	ature	e ID	:			
1B						

A. REPORT COMPLETION DATE FOR A	APPROVED JUR	ISDICTIONA	L DETERMINATIO	ON (JD):	May 15, 2	020
B. DISTRICT OFFICE, FILE NAME, AND	NUMBER:	Los Angeles	District, File No. I	Pending		
C. PROJECT LOCATION AND BACKGR	OUND INFORM	IATION: Dr	ainage Feature	18		
State: AZ County/Parish	/borough:	Pinal County			City:	Superior
Center coordinates of site: Lat.	33.30979°N	Long.	-111.039659°W			
Name of nearest waterbody: Qu	een Creek					
Name of nearest Traditional Navigab Gila River between Powers But			e aquatic resource	flows:		
Name of watershed or Hydrologic Un	it Code (HUC):	15050	100			
Check if map/diagram of review and Check if other sites (e.g, offsite middifferent JD form.		-		•		e recorded on a
D. REVIEW PERFORMED FOR SITE EV	ALUATION (CH	ECK ALL TH	AT APPLY):			
Office (Desk) Determination. DateField Determination. Date(s):	e: 05/2020					
ECTION II: SUMMARY OF FINDINGS A. RHA SECTION 10 DETERMINATIO		TION.				
There Are No "navigable waters of the review area. Waters subject to the ebb and flow Waters are presently used, or have	of the tide.					
B. CWA SECTION 404 DETERMINAT			•		•	J
There Are No "waters of the U.S." waters.			jurisdiction (as def	ined by 33 (CFR part 328) in the review
1. Waters of the U.S.						
a. Indicate presence of water of TNWs (new) Wetlands adjacent to TNWs Relatively permanent waters Non-RPWs that flow directly Wetlands directly abutting F Wetlands adjacent to but no Wetlands adjacent to non-RI Impoundments of jurisdictio	s (RPWs) that flower indirectly into RPWs that flower that flower that flow display the	w directly or io TNWs directly or inding RPWs that rectly or indir	ndirectly into TNW irectly into TNWs flow directly or ind ectly into TNWs		TNWs	
b. Identify (estimate) size of wat	ers of the U.S. in	the review a	rea			
· · · · · · · · · · · · · · · · · · ·	Linear F	eet	Width (ft) and/or		Acres
Non-Wetlands waters						

jurisdictional if it possessed a significant nexus with a downstream TNW. This drainage does not possess a

significant nexus with the downstream TNW.

ED_013248_00000874-00029

APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers

Feature ID:	
1B	

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatice resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

L.	Identify TNW:	☐ Vegetation
	Summarize rationale supporting determination:	
2.	Wetland adjacent to TNW	
	Summarize rationale supporting conclusion that wetland is "adja	cent"

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions: Watershed Size (sq mi): 49650 Drainage Area (sq mi): 18 Average Annual Rainfall (in): 1.4 (ii) Physical Characteristics: (a) Relationship with TNW ☐ Tributary flows directly to TNW ☐ Tributary flows through 5 tributaries before entering TNW Project waters are 30 (or more) river miles from TNW

А		ISDICTIONAL DETERMINATION	ON FORM Feature ID:
	U.S	. Army Corps of Engineers	1B
Project waters are	30 (or more)	river Miles from tributary t	o RPW:
Project waters are	30 (or more)	aerial (straight) miles from	tributary to TNW:
Project waters are	30 (or more)	aerial (straight) miles from	tributary to RPW:
Project waters cross	or serve as stat	e boundaries. Explain:	
Identify flow route to	TNW Genera	lly to Queen Creek to East Ma	ricopa Floodway to the Gila River
General Tributary Char	acteristics		
Tributary is: Natural		Explain:	
Tributary properties w Average Width (ft Average Depth (ft Average Side Slop): 10.97): 1	op of bank (estimate):	
Primary tributary sub	strate compos	tion (check all that apply):	
	ands 🔲 (Gravel	Concrete	
🗌 Bedrock 📋 S	ubstrate - Vege	etation Other, Explain:	

None present.

2%

Stable

Tributary Condition/Stability [e.g., highly eroding, sloughing banks. Explain:

Relatively Straight

Presence of Run/Riffle/Pool Complexes. Explain:

Tributary Gradient (approximate average slope):

Tributary Geometry:

(c) Flow: Tributary Provides for: Estimate average number Describe Flow Re	Ephemeral Flow er of flow events in review gime: Ephemeral.	v area/year:
Other Information on D	uration and Volume:	
Surface Flow is:	Confined	Characteristics:
Subsurface Flow:	No	Explain:
\square Dye (or other) te	st performed:	
Tributary Has (Check all Bed and Banks OHWM (check all t	that apply): he apply): OHWM Indicat	ors:
 ✓ Changes in soil of Shelving ✓ Vegetation matter ✓ Leaf litter disturted ✓ Sediment depost ✓ Water staining 	ed down, bent or absent bed or washed away	 □ Presence of litter and debris ☑ Destruction of terrestrial vegetation □ Presence of wrack line ☑ Sediment sorting □ Scour □ Multiple observed or predicted flow events □ Abrupt change in plant community
Other (list):		
☐ Discontinuous? I	Explain:	

If factors other than the OHWN were used to determine lateral extent of CWA jurisdiction (Check all that apply)

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **1B** High tide line indicated by: Mean High water Mark indicated by: oil or scum line along shore objects survey to available datum fine shell or debris deposits (foreshore) physical markings physical markings/characteristics vegetation lines/changes in vegetation types \square other (iii) Chemical Characteristics: Characterize Tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc): Explain: Identify Specific Pollutants, if known: (iv) Biological Characteristics. Channel supports (check all that apply): Riparian Corridor Characteristics: Wetland Fringe Characteristics: Habitat for: Federally Listed Species Explain findings: Fish/Spawn Areas Explain findings: Other environmentally -sensitive species Explain findings: Aquatic/Wildlife diversity Explain: 2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW (i) Physical Characteristics: (a) General Wetland Characteristics Properties: Wetland Size (ac): Wetland Type, Explain: Wetland Quality, Explain: Project Wetlands Cross or Serve as State Boundaries, Explain: (b) General Flow Relationship with Non-TNW: Wetland Flow is: Explain: Surface Flow is: Characteristics: Subsurface Flow: Explain Findings: (c) Wetland Adjacency Determination with Non-TNW: Wetland Directly Abutting Non-TNW Discrete wetland hydrologic connection Explain: Ecological connection Explain: Separated by berm/barrier Explain: (d) Proximity (Relationship) to TNW

Project Wetlands: River Miles from TNW: Project Wetlands: Aerial Miles from TNW:

Estimate approximate Location of Wetland within Floodplain:

Flow is From:

APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers

Feature ID:
1B

3.

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watersl characteristics; ect.).	ned
Explain	ned
Identify specific pollutants, if know:	
iii) Biological Characteristics. Wetland supports (check all that apply):	
☐ Riparian Buffer Characteristics (type, average width):	
☐ Vegetation type/percent cover. Explain:	
Habitat for:	
☐ Federally Listed Species Explain:	
☐ Fish/Spawn Areas Explain:	
Other environmentally-sensitive species Explain:	
Aquatic/Wildlife Diversity Explain:	
Characteristics of all wetlands adjacent to the tributary (if any)	
All wetland(s) being considered in cumulative analysis:	
Wetland acres in total being considered in cumulative analysis:	
Describe each wetland (directly abuts tributary?; size in acres; overall biological, chemical or physical functions):	

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- •Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent welands, then go to SectionIII.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers

Feature ID:

	O.S. Army Corps (or Engineers	10
ETERMINATIONS OF JURISDICTIONAL I	FINDINGS. THE SUBJEC	T WATERS/WETLAND	OS ARE (CHECK ALL THAT APPL)
1. TNWs and Adjacent Wetlands. Check	к all that apply and provic	de size estimates in revi	ew area:
☐ TNWs Linear Feet:	Width (ft):	TNW Acres	
☐ Wetlands adjacent to TNWs: Acres:			
2. RPWs that flow directly or indirectly in	nto TNWs		
☐ Tributaries of TNWs where tributarion that tributary is perennial:	es typically flow year-rou	nd are jurisdictional. Pr	ovide data and Rationale indicatin
Tributaries of TNW where tributarie jurisdictional. Data supporting this c flows seasonally:			
Provide estimates for jurisdiction	nal waters in the review a	re (check all that apply)	:
☐ Tributary waters	Linear Feet:	Width (Ft).	
\Box Other non-wetland waters:	Acres:		
3. Non-RPWs that flow directly or indirectly	ctly into TNWs.		
Waterbody that is not a TNW or an R with a TNW is jurisdictional. Data sup Provide estimates of jurisdictional water Length (Linear Feet):	pporting this conclusion p	provided at section III.c.	-
4. Wetlands directly abutting an RPW th		ctly into TNWs.	
☐ Wetlands directly abut RPW and thu	-		
Wetlands directly abutting an RF indicating that tributary is peren abutting and RPW:	PW where tributaries typi	ically flow year-round. F	
· · · · · · · · · · · · · · · · · · ·	• • • • • • • • • • • • • • • • • • • •	•	Provide data indicating that tribue indicating that wetland is directly
Provide acreage estimates for jurisdic	ctional wetland in the rev	iew area: Acres:	
5. Wetlands adjacent to but not directly	abutting an RPW that flo	ow directly or indirectly	/ into TN
 Wetlands that do not directly abut adjacent and with similarly situated supporting this conclusion is provid 	d adjacent wetlands, have		
Provide acreage estimates for jurisdicti	ional wetland in the revie	ew area: Acres:	
6. Wetlands adjacent to non-RPWs that fl	low directly or indirectly	into TNWs.	
Wetlands adjacent to such waters, and and with similarly situated adjacent we conclusion is provided at Section III.C	etlands, have a significant		
Provide estimates for jurisdictional we	tland in the review area (in acres):	
Impoundments of jurisdictional waters.	·	·	
Demonstration of Jurisdiction:			
Demonstration of Jurisdiction.			

E. ISOLATED WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **1B** Supporting rationale: Length (linear feet): Acres: F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS: Non-Jurisdictional Waters: Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain finding of no Significant Nexus: The characteristics of the surface water features within the current Analysis Area and the flowpath to the TNW eliminate the potential for a more than insubstantial hydrologic connection to exist between the Analysis Area and the downgradient TNW. The surface water features within the current Analysis Area do not either contribute or filter pollutants, or contribute sediments at an amount or frequency that would affect the chemical or physical integrity of the downstream TNW. They do not provide significant habitat or life cycle support functions for any species population found within the TNW, do not affect the aquatic habitat of or the amount of nutrient transport to the TNW reach of the Gila River, and do not have a more than insubstantial effect on the biological integrity of this TNW. As such, there is no significant nexus between the surface water features within the current Analysis Area and the downgradient TNW and, as such, these features are not a jurisdictional Waters. Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply): Non wetland-Waters (i.e., rivers, streams): linear feet : width (ft): ☐ Other Non-wetland Waters MBR acres: acres: Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply): ✓ Non-wetland waters 880.48 linear feet (ft), 10.97 width (ft) Other waters acres Wetlands acres **SECTION IV: DATA SOURCES** A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below): ✓ Maps, Plans, Plots or Plat Submitted by Applicant/Consultant: WestLand Resources, Inc. Data Sheets Prepared/Submitted by or on behalf of Applicant/Consultant Office Concurs with data sheets/delineation report Office Does Not Concur with data sheets/delineation report Data Sheets Prepared by the Corps Corps Navigable Water Study US Geological Survey Hydrologic Atlas USGS NHD Data ☐ USGS 8 and 12 digit HUC Maps

US Geological Survey Map(s)

Superior 7.5-Minute Quadrangle

Scale and Quad Name:

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 1B ☐ USDA Nat'l Res Conservation Service Soil Survey Citation: ☐ National Wetlands Inventory Maps Cite Map Name: ☐ State/Local Wetland Inventory Maps ☐ FEMA/FIRM Maps: ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929) Aerial Photographs (Name and Date): 2019 USDA NAIP Orthophoto Other Photographs (Name and Date): Previous Determinations File No. and Date of Response Letter: ☐ Applicable/Supporting Case Law Citation: ☐ Applicable/Supporting Scientific Literature Citation: Other Information, Please Specify:

Additional Comments to Support JD:

Fea	ture	ID:		
1C			 	

	PROVED JURISDIC	TIONAL DETERMIN	IATION (JD):	May 15	, 2020	
B. DISTRICT OFFICE, FILE NAME, AND N	UMBER: Los A	ngeles District, File	No. Pending			
C. PROJECT LOCATION AND BACKGROU	JND INFORMATIO	N: Drainage Feati	ure 1C			
State: AZ County/Parish/bo	orough: Pinal (County		City:	Superior	
Center coordinates of site: Lat. 33.	.30979°N	Long111.039659)°W			
Name of nearest waterbody: Queen	n Creek					
Name of nearest Traditional Navigable \ Gila River between Powers Butte		hich the aquatic reso	urce flows:			
Name of watershed or Hydrologic Unit (Code (HUC):	15050100				
 Check if map/diagram of review are a Check if other sites (e.g, offsite mitigated different JD form. 		•	·	•	are recorded	on a
D. REVIEW PERFORMED FOR SITE EVAL	.UATION (CHECK A	LL THAT APPLY):				
✓ Office (Desk) Determination. Date:☐ Field Determination. Date(s):	05/2020					
SECTION II: SUMMARY OF FINDINGS A. RHA SECTION 10 DETERMINATION	OF JURISDICTION					
There Are No "navigable waters of the the review area. Waters subject to the ebb and flow of Waters are presently used, or have be B. CWA SECTION 404 DETERMINATION	the tide. een used in the past	or may be susceptib				
There Are No "waters of the U.S." with area.	nin Clean Water Act	(CWA) jurisdiction (a	s defined by 33	CFR part 3	328) in the rev	iew
1. Waters of the U.S.	` in variant avaa (Ch	ank all the applica				
a. Indicate presence of water of U.S TNWs (new) Wetlands adjacent to TNWs Relatively permanent waters (R Non-RPWs that flow directly or Wetlands directly abutting RPN Wetlands adjacent to but not d Wetlands adjacent to non-RPW	RPWs) that flow dire indirectly into TNW Ws that flow directl lirectly abutting RPV s that flow directly I waters	ctly or indirectly into 's y or indirectly into TN Vs that flow directly o or indirectly into TNV	IWs or indirectly into	TNWs		
Impoundments of jurisdictional Isolated (interstate or intrastate	e) waters, including					
Impoundments of jurisdictional	, , ,	eview area				
☐ Impoundments of jurisdictional☐ Isolated (interstate or intrastate	, , ,		th (ft) and/or		Acres	
 Impoundments of jurisdictional Isolated (interstate or intrastate b. Identify (estimate) size of waters 	of the U.S. in the r		th (ft) and/or		Acres	

jurisdictional if it possessed a significant nexus with a downstream TNW. This drainage does not possess a

significant nexus with the downstream TNW.

ED_013248_00000874-00037

Feat	ire ID:	
1C		

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatice resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

2.	Wetland adjacent to TNW	
	Summarize rationale supporting determination:	
ı.	Identify TNW:	☐ Vegetation

Summarize rationale supporting conclusion that wetland is "adjacent"

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions: Watershed Size (sq mi): 49650 Drainage Area (sq mi): 18 Average Annual Rainfall (in): 1.4 (ii) Physical Characteristics: (a) Relationship with TNW ☐ Tributary flows directly to TNW ☐ Tributary flows through 5 tributaries before entering TNW Project waters are 30 (or more) river miles from TNW

APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 10 30 (or more) river Miles from tributary to RPW: 30 (or more) aerial (straight) miles from tributary to TNW:

	0.0.	Turny corps of Engineers
Project wate	rs are 30 (or more)	river Miles from tributary to RPW:
Project wate	rs are 30 (or more)	aerial (straight) miles from tributary to TNW:
Project wate	rs are 30 (or more)	aerial (straight) miles from tributary to RPW:
Project wate	rs cross or serve as state	e boundaries. Explain:
Identify flow	route to TNW Genera	lly to Queen Creek to East Maricopa Floodway to the Gila River
(b) General Tributa	ary Characteristics	
Tributary is:		Explain:
Tributary prop Average V Average D		op of bank (estimate):
Average S	ide Slopes: 2:1	
Primary tribu	ıtary substrate composi	tion (check all that apply):
Silts	✓ Sands	Concrete Muck
Cobble	es 🕝 Gravel	
Bedro	ck 🗌 Substrate - Vege	tation Other, Explain:
Tributary Co	ndition/Stability [e.g., h	nighly eroding, sloughing banks. Explain: Stable
Presence of	Run/Riffle/Pool Comple	exes. Explain: None present.
Tributary Ge	eometry: Relatively	y Straight
Tributary Gr	adient (approximate av	erage slope): 2%
Flow: Tributary Provides for: Estimate average number		w area/year:
Describe Flow Reg Other Information on Du		
Other information on Do	nation and volume.	
Surface Flow is:	Confined	Characteristics:
Subsurface Flow:	No	Explain:
Dye (or other) test	performed:	
Tributary Has (Check all 1	that apply):	
Bed and BanksOHWM (check all th	e apply): OHWM Indica	tors:
☐ Clear, natural line✓ Changes in soil ch☐ Shelving	e impressed on the bank naracter ed down, bent or absent ed or washed away	✓ Presence of litter and debris✓ Destruction of terrestrial vegetation✓ Presence of wrack line
Water staining		Abrupt change in plant community
Other (list):		
Discontinuous? Ex	cplain:	

If factors other than the OHWN were used to determine lateral extent of CWA jurisdiction (Check all that apply)

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **1C** High tide line indicated by: Mean High water Mark indicated by: oil or scum line along shore objects survey to available datum fine shell or debris deposits (foreshore) physical markings physical markings/characteristics vegetation lines/changes in vegetation types \square other (iii) Chemical Characteristics: Characterize Tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc): Explain: Identify Specific Pollutants, if known: (iv) Biological Characteristics. Channel supports (check all that apply): Riparian Corridor Characteristics: Wetland Fringe Characteristics: Habitat for: Federally Listed Species Explain findings: Fish/Spawn Areas Explain findings: Other environmentally -sensitive species Explain findings: Aquatic/Wildlife diversity Explain: 2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW (i) Physical Characteristics: (a) General Wetland Characteristics Properties: Wetland Size (ac): Wetland Type, Explain: Wetland Quality, Explain: Project Wetlands Cross or Serve as State Boundaries, Explain: (b) General Flow Relationship with Non-TNW: Wetland Flow is: Explain: Surface Flow is: Characteristics: Subsurface Flow: Explain Findings: (c) Wetland Adjacency Determination with Non-TNW: Wetland Directly Abutting Non-TNW Discrete wetland hydrologic connection Explain: Ecological connection Explain: Separated by berm/barrier Explain: (d) Proximity (Relationship) to TNW Project Wetlands: River Miles from TNW:

Project Wetlands: Aerial Miles from TNW:

Estimate approximate Location of Wetland within Floodplain:

Flow is From:

Feature	ID:
1C	

3.

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; ect.).
Explain
Identify specific pollutants, if know:
iii) Biological Characteristics. Wetland supports (check all that apply):
Riparian Buffer Characteristics (type, average width):
☐ Vegetation type/percent cover. Explain:
Habitat for:
Federally Listed Species Explain:
Fish/Spawn Areas Explain:
Other environmentally-sensitive species Explain:
Aquatic/Wildlife Diversity Explain:
Characteristics of all wetlands adjacent to the tributary (if any)
All wetland(s) being considered in cumulative analysis:
Wetland acres in total being considered in cumulative analysis:
Describe each wetland (directly abuts tributary?: size in acres: overall biological, chemical or physical functions):

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- •Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent welands, then go to SectionIII.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

		CT WATERS/WETLANDS ARE (CHECK ALL THAT APP
1. TNWs and Adjacent Wetlands. Che	eck all that apply and provi	de size estimates in review area:
☐ TNWs Linear Feet:	Width (ft):	TNW Acres
☐ Wetlands adjacent to TNWs: Acre	es:	
2. RPWs that flow directly or indirectly	/ into TNWs	
Tributaries of TNWs where tributa that tributary is perennial:	aries typically flow year-rou	ınd are jurisdictional. Provide data and Rationale indicati
		seasonally" (e.g., typically three months each year) are Section III.B. Provide rationale indicating that tributary
Provide estimates for jurisdicti	onal waters in the review a	re (check all that apply):
☐ Tributary waters	Linear Feet:	Width (Ft).
\Box Other non-wetland waters:	Acres:	
3. Non-RPWs that flow directly or indi	rectly into TNWs.	
with a TNW is jurisdictional. Data s Provide estimates of jurisdictional w	supporting this conclusion aters within the review are	
Length (Linear Feet):	Width (feet):	Acres:
4. Wetlands directly abutting an RPW	that flow directly or indire	ctly into TNWs.
	RPW where tributaries typ	jacent wetlands. ically flow year-round. Provide data and rationale ove. Provide rationale indicating that wetland is directly
Wetlands directly abutting an indicating that tributary is per abutting and RPW:Wetlands directly abutting an	RPW where tributaries typ ennial in Section III.D.2, ab RPW where tributaries typ	ically flow year-round. Provide data and rationale
Wetlands directly abutting an indicating that tributary is per abutting and RPW:Wetlands directly abutting an is seasonal in Section III.B and	RPW where tributaries typ ennial in Section III.D.2, ab RPW where tributaries typ rationale in Section III.D.2	ically flow year-round. Provide data and rationale ove. Provide rationale indicating that wetland is directly ically flow "Seasonally". Provide data indicating that trik above. Provide rationale indicating that wetland is direct
 Wetlands directly abutting an indicating that tributary is per abutting and RPW: Wetlands directly abutting an is seasonal in Section III.B and abutting and RPW 	RPW where tributaries typ ennial in Section III.D.2, ab RPW where tributaries typ rationale in Section III.D.2 dictional wetland in the rev	ically flow year-round. Provide data and rationale ove. Provide rationale indicating that wetland is directly ically flow "Seasonally". Provide data indicating that trik above. Provide rationale indicating that wetland is directive area: Acres:
 □ Wetlands directly abutting an indicating that tributary is per abutting and RPW: □ Wetlands directly abutting an is seasonal in Section III.B and abutting and RPW Provide acreage estimates for jurisc 5. Wetlands adjacent to but not direct □ Wetlands that do not directly abutting and indicated in the contraction in the contr	RPW where tributaries typennial in Section III.D.2, ab RPW where tributaries typerationale in Section III.D.2 dictional wetland in the revelopment of the section in the se	ically flow year-round. Provide data and rationale ove. Provide rationale indicating that wetland is directly ically flow "Seasonally". Provide data indicating that trik above. Provide rationale indicating that wetland is directive area: Acres:
 □ Wetlands directly abutting an indicating that tributary is per abutting and RPW: □ Wetlands directly abutting an is seasonal in Section III.B and abutting and RPW Provide acreage estimates for jurisc 5. Wetlands adjacent to but not direct □ Wetlands that do not directly abuadjacent and with similarly situat 	RPW where tributaries typennial in Section III.D.2, ab RPW where tributaries typerationale in Section III.D.2 dictional wetland in the revely abutting an RPW that flut an RPW, but when considered adjacent wetlands, have yided at Section III.C.	ically flow year-round. Provide data and rationale ove. Provide rationale indicating that wetland is directly ically flow "Seasonally". Provide data indicating that trik above. Provide rationale indicating that wetland is directive area: Acres: Ow directly or indirectly into TN dered in combination with the tributary to which they are a significant nexus with a TNW are jurisidictional. Data
 □ Wetlands directly abutting an indicating that tributary is per abutting and RPW: □ Wetlands directly abutting an is seasonal in Section III.B and abutting and RPW Provide acreage estimates for jurisc 5. Wetlands adjacent to but not direct □ Wetlands that do not directly abuadjacent and with similarly situat supporting this conclusion is proving 	RPW where tributaries typennial in Section III.D.2, ab RPW where tributaries typerationale in Section III.D.2 dictional wetland in the revision RPW that flut an RPW, but when consided adjacent wetlands, have dided at Section III.C. ctional wetland in the revisional wetland in t	ically flow year-round. Provide data and rationale ove. Provide rationale indicating that wetland is directly ically flow "Seasonally". Provide data indicating that trik above. Provide rationale indicating that wetland is directive area: Acres: ow directly or indirectly into TN dered in combination with the tributary to which they are a significant nexus with a TNW are jurisidictional. Data ew area: Acres:
Wetlands directly abutting an indicating that tributary is per abutting and RPW: Wetlands directly abutting an is seasonal in Section III.B and abutting and RPW Provide acreage estimates for jurison. Wetlands adjacent to but not directly abut adjacent and with similarly situat supporting this conclusion is proven Provide acreage estimates for jurison. Provide acreage estimates for jurison. Wetlands adjacent to non-RPWs that. Wetlands adjacent to such waters, a	RPW where tributaries typennial in Section III.D.2, ab RPW where tributaries typenationale in Section III.D.2 dictional wetland in the revel of the section III.D.2 dictional wetland in the revel of the section III.C. at an RPW, but when considered at Section III.C. at ional wetland in the review of the section III.C. at flow directly or indirectly or indirectly or have when considered in the section III.C.	ically flow year-round. Provide data and rationale ove. Provide rationale indicating that wetland is directly ically flow "Seasonally". Provide data indicating that trik above. Provide rationale indicating that wetland is directive area: Acres: ow directly or indirectly into TN dered in combination with the tributary to which they are a significant nexus with a TNW are jurisidictional. Data ew area: Acres:

E. ISOLATED WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE

		U.J. AITHY COL	ps of Engineers	1C
			, , , , , , , , , , , , , , , , , , , ,	
Supporting rationale:				
Length (linear feet):	Acre	s:		
NON-JURISDICTIONAL WATER	s, includin	G WETLANDS:		
Non-Jurisdictional Waters:		not meet the "Sign for jurisdiction.	nificant Nexus" standard, who	ere such a finding
Provide acreage estimates for modes acreage estimates acre	Ana mo Ana wit poll affe not spe hab Gila biol bet the juri on-jurisdiction igratory birds,	alysis Area and the force than insubstantiallysis Area and the chin the current Anallutants, or contributed the chemical or provide significant cies population fou a River, and do not be logical integrity of tween the surface we downgradient TNV sciictional Waters.		he potential for a between the water features ite or filter equency that would ream TNW. They do ctions for any it the aquatic NW reach of the inficant nexus Analysis Area and e not a
Non wetland-Waters (i.e., ri		· linear feet :	width (ft):	
Other Non-wetland Waters		acres:		
☐ Wetlands MBR acres:				
Provide acreage estimates for newhere such a finding is required Non-wetland waters	for jurisdiction			Significant Nexus" standard
Other waters		acres		
☐ Wetlands		acres		
CTION IV: DATA SOURCES				
A. SUPPORTING DATA. Data rev			- checked items shall be includ	ed in case file and, where
checked and requested, appropri Maps, Plans, Plots or Plat Su		e sources below): Applicant/Cons	ultant: WestLand Resources	Inc
✓ Data Sheets Prepared/Subm	•			, IIIC.
Office Concurs with data	· ·	• •	Consultant	
Office Does Not Concur			art	
		.co, acimeación repo	/I &	
Data Sheets Prepared by the	-			
Corps Navigable Water Stud	ly logic Atlas			

USGS NHD Data

✓ US Geological Survey Map(s)

Superior 7.5-Minute Quadrangle

Scale and Quad Name:

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 1C ☐ USDA Nat'l Res Conservation Service Soil Survey Citation: ☐ National Wetlands Inventory Maps Cite Map Name: ☐ State/Local Wetland Inventory Maps ☐ FEMA/FIRM Maps: ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929) Aerial Photographs (Name and Date): 2019 USDA NAIP Orthophoto Other Photographs (Name and Date): Previous Determinations File No. and Date of Response Letter: ☐ Applicable/Supporting Case Law Citation: ☐ Applicable/Supporting Scientific Literature Citation: Other Information, Please Specify:

Additional Comments to Support JD:

Feature ID:
2

A. REPORT COMPLETION DATE FOR A	APPROVED JURIS	DICTIONAL D	ETERMINATION	(JD): May 15	, 2020
B. DISTRICT OFFICE, FILE NAME, AND	NUMBER: Lo	s Angeles Dis	rict, File No. Per	nding	
C. PROJECT LOCATION AND BACKGR	OUND INFORMA	TION: Drain	age Feature 2		
State: AZ County/Parish		nal County		City:	Superior
Center coordinates of site: Lat.	33.30979°N	Long1	11.039659°W		
Name of nearest waterbody: Qu	een Creek				
Name of nearest Traditional Navigable Gila River between Powers But			uatic resource flo	ws:	
Name of watershed or Hydrologic Un	it Code (HUC):	15050100			
Check if map/diagram of review at Check if other sites (e.g, offsite midifferent JD form.	· · · ·	-		•	d are recorded on a
D. REVIEW PERFORMED FOR SITE EV	ALUATION (CHEC	K ALL THAT	APPLY):		
Office (Desk) Determination. DateField Determination. Date(s):	e: 05/2020				
SECTION II: SUMMARY OF FINDINGS A. RHA SECTION 10 DETERMINATIO		ON.			
There Are No "navigable waters of the review area. Waters subject to the ebb and flow Waters are presently used, or have	of the tide.				
B. CWA SECTION 404 DETERMINAT	ION OF JURISDIC	TION			
There Are No "waters of the U.S." waters.	vithin Clean Water	Act (CWA) juri	diction (as define	d by 33 CFR part	328) in the review
1. Waters of the U.S.		(Ch - + -			
a. Indicate presence of water of TNWs (new) Wetlands adjacent to TNWs Relatively permanent waters Non-RPWs that flow directly Wetlands directly abutting for the wetlands adjacent to but not wetlands adjacent to non-Rill Impoundments of jurisdictio Isolated (interstate or intrast	s (RPWs) that flow or indirectly into T RPWs that flow dir ot directly abutting PWs that flow directly	directly or indi NWs ectly or indirec RPWs that flow tly or indirectl	rectly into TNWs tly into TNWs v directly or indire y into TNWs	ctly into TNWs	
b. Identify (estimate) size of wat	ers of the U.S. in th	ne review area			
Non-Wetlands waters	Linear Fee	t	Width (ft) ar	nd/or	Acres
Wetlands Acres:					

jurisdictional if it possessed a significant nexus with a downstream TNW. This drainage does not possess a

significant nexus with the downstream TNW.

ED_013248_00000874-00045

Feature ID:	
2	

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatice resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1.	Identify TNW:	☐ Vegetation
	Summarize rationale supporting determination:	
2.	Wetland adjacent to TNW	

Summarize rationale supporting conclusion that wetland is "adjacent"

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions: Watershed Size (sq mi): 49650 Drainage Area (sq mi): 18 Average Annual Rainfall (in): 1.4 (ii) Physical Characteristics: (a) Relationship with TNW ☐ Tributary flows directly to TNW ☐ Tributary flows through 5 tributaries before entering TNW Project waters are 30 (or more) river miles from TNW

APF	ROVED JURI	SDICTIONAL D	ETERMINATION FORM	Feature ID:	
	U.S.	Army Corps o	f Engineers	2	
Project waters are 3	30 (or more)	river Miles fr	om tributary to RPW:		
Project waters are	30 (or more)	aerial (straigl	nt) miles from tributary to T	NW:	
Project waters are	30 (or more)	aerial (straigl	nt) miles from tributary to F	RPW:	
Project waters cross or	serve as state	e boundaries.	Explain:		
Identify flow route to T	NW General	ly to Queen Cre	ek to East Maricopa Floody	vay to the Gila Riv	'er
o) General Tributary Charac	teristics				
Tributary is: Natural		Explain:			
Average Width (ft): Average Depth (ft): Average Side Slopes	11.59 1 : 2:1				
Primary tributary subst	rate composi	tion (check all th	nat apply):		
☐ Silts ✓ Sar ☐ Cobbles Gra		Concrete	☐ Muck		
<u>~</u>	ostrate - Vege	tation Other,	Explain:		
Tributary Condition/St	ability [e.g., h	ighly eroding, s	loughing banks. Explain:	Stable	
Presence of Run/Riffle	/Pool Comple	xes. Explain:	None present.		
Tributary Geometry:	Relatively	/ Straight			

2%

(c) Flow:		
Tributary Provides for: Estimate average numbe Describe Flow Re	Ephemeral Flow er of flow events in review gime: Ephemeral.	w area/year:
Other Information on D	uration and Volume:	
Surface Flow is:	Confined	Characteristics:
Subsurface Flow:	No	Explain:
Dye (or other) te	st performed:	
Tributary Has (Check all Bed and Banks OHWM (check all the	that apply): he apply): OHWM Indicat	tors:
 ✓ Changes in soil of Shelving ✓ Vegetation matt ✓ Leaf litter distur ✓ Sediment depos ✓ Water staining 	ed down, bent or absent bed or washed away	Destruction of terrestrial vegetationPresence of wrack line
Other (list):		
☐ Discontinuous? ■	Explain:	

Tributary Gradient (approximate average slope):

If factors other than the OHWN were used to determine lateral extent of CWA jurisdiction (Check all that apply)

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 2 High tide line indicated by: Mean High water Mark indicated by: oil or scum line along shore objects survey to available datum fine shell or debris deposits (foreshore) physical markings physical markings/characteristics vegetation lines/changes in vegetation types \square other (iii) Chemical Characteristics: Characterize Tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc): Explain: Identify Specific Pollutants, if known: (iv) Biological Characteristics. Channel supports (check all that apply): Riparian Corridor Characteristics: Wetland Fringe Characteristics: Habitat for: Federally Listed Species Explain findings: Fish/Spawn Areas Explain findings: Other environmentally -sensitive species Explain findings: Aquatic/Wildlife diversity Explain: 2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW (i) Physical Characteristics: (a) General Wetland Characteristics Properties: Wetland Size (ac): Wetland Type, Explain: Wetland Quality, Explain: Project Wetlands Cross or Serve as State Boundaries, Explain: (b) General Flow Relationship with Non-TNW: Wetland Flow is: Explain: Surface Flow is: Characteristics: Subsurface Flow: Explain Findings: (c) Wetland Adjacency Determination with Non-TNW: Wetland Directly Abutting Non-TNW Discrete wetland hydrologic connection Explain: Ecological connection Explain: Separated by berm/barrier Explain: (d) Proximity (Relationship) to TNW Project Wetlands: River Miles from TNW:

Project Wetlands: Aerial Miles from TNW:

Estimate approximate Location of Wetland within Floodplain:

Flow is From:

Featur	iD:
2	

3.

characteri	ize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed istics: ect.).
Explain	
identify sp	pecific pollutants, if know:
iii) Biological	Characteristics. Wetland supports (check all that apply):
Ripar	rian Buffer Characteristics (type, average width):
Vege	etation type/percent cover. Explain:
Habitat f	îor:
Fe	derally Listed Species Explain:
Fis	h/Spawn Areas Explain:
Ot	her environmentally-sensitive species Explain:
Aq	uatic/Wildlife Diversity Explain:
Characteristi	ics of all wetlands adjacent to the tributary (if any)
All wetland	d(s) being considered in cumulative analysis:
Wetland a	cres in total being considered in cumulative analysis:
Describe ea	ach wetland (directly abuts tributary?; size in acres; overall biological, chemical or physical functions):

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- •Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent welands, then go to SectionIII.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

Feature ID:

	0.3. Army Corps	or Engineers	2
ETERMINATIONS OF JURISDICTIONAL	FINDINGS. THE SUBJEC	T WATERS/WETLAND	DS ARE (CHECK ALL THAT APPLY)
1. TNWs and Adjacent Wetlands. Chec		-	
☐ TNWs Linear Feet:	Width (ft):	TNW Acres	
☐ Wetlands adjacent to TNWs: Acres:			
2. RPWs that flow directly or indirectly i Tributaries of TNWs where tributaries		and are jurisdictional Dr	avida data and Pationala indicating
that tributary is perennial:	les typically flow year-rou	ina are jurisalctional. Fil	ovide data and Nationale indicating
Tributaries of TNW where tributaries jurisdictional. Data supporting this of flows seasonally:			
Provide estimates for jurisdiction	nal waters in the review a	re (check all that apply)	:
Tributary waters	Linear Feet:	Width (Ft).	
\square Other non-wetland waters:	Acres:		
3. Non-RPWs that flow directly or indire	ectly into TNWs.		
 Waterbody that is not a TNW or an I with a TNW is jurisdictional. Data su 	RPW, but flows directly or	•	_
Provide estimates of jurisdictional wat			
Length (Linear Feet):	Width (feet):	Acres:	
4. Wetlands directly abutting an RPW th	hat flow directly or indire	ctly into TNWs.	
☐ Wetlands directly abut RPW and the	us are jurisdictional as ad	jacent wetlands.	
\square Wetlands directly abutting an R	IPW where tributaries typi	- ically flow year-round. F	Provide data and rationale adicating that wetland is directly
			Provide data indicating that tribut a indicating that wetland is directly
Provide acreage estimates for jurisdic	ctional wetland in the rev	riew area: Acres:	
5. Wetlands adjacent to but not directly	y abutting an RPW that flo	ow directly or indirectly	into TN
 Wetlands that do not directly abut adjacent and with similarly situated supporting this conclusion is provided. 	d adjacent wetlands, have		
Provide acreage estimates for jurisdict	tional wetland in the revie	ew area: Acres:	
6. Wetlands adjacent to non-RPWs that f	flow directly or indirectly	into TNWs.	
Wetlands adjacent to such waters, and and with similarly situated adjacent we conclusion is provided at Section III.C	etlands, have a significant		-
Provide estimates for jurisdictional we	etland in the review area (in acres):	
Impoundments of jurisdictional waters.	·	·	
Demonstration of Jurisdiction:			
Demonstration of Januaricalon.			

E. ISOLATED WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 2 Supporting rationale: Length (linear feet): Acres: F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS: Non-Jurisdictional Waters: Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain finding of no Significant Nexus: The characteristics of the surface water features within the current Analysis Area and the flowpath to the TNW eliminate the potential for a more than insubstantial hydrologic connection to exist between the Analysis Area and the downgradient TNW. The surface water features within the current Analysis Area do not either contribute or filter pollutants, or contribute sediments at an amount or frequency that would affect the chemical or physical integrity of the downstream TNW. They do not provide significant habitat or life cycle support functions for any species population found within the TNW, do not affect the aquatic habitat of or the amount of nutrient transport to the TNW reach of the Gila River, and do not have a more than insubstantial effect on the biological integrity of this TNW. As such, there is no significant nexus between the surface water features within the current Analysis Area and the downgradient TNW and, as such, these features are not a jurisdictional Waters. Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply): Non wetland-Waters (i.e., rivers, streams): linear feet: width (ft): ☐ Other Non-wetland Waters MBR acres: acres: Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply): ✓ Non-wetland waters 1476.15 linear feet (ft), 11.59 width (ft) Other waters acres Wetlands acres **SECTION IV: DATA SOURCES** A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below): ✓ Maps, Plans, Plots or Plat Submitted by Applicant/Consultant: WestLand Resources, Inc. Data Sheets Prepared/Submitted by or on behalf of Applicant/Consultant Office Concurs with data sheets/delineation report Office Does Not Concur with data sheets/delineation report Data Sheets Prepared by the Corps Corps Navigable Water Study

US Geological Survey Hydrologic Atlas

☐ USGS 8 and 12 digit HUC Maps

Superior 7.5-Minute Quadrangle

Scale and Quad Name:

USGS NHD Data

US Geological Survey Map(s)

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 2 ☐ USDA Nat'l Res Conservation Service Soil Survey Citation: ☐ National Wetlands Inventory Maps Cite Map Name: ☐ State/Local Wetland Inventory Maps ☐ FEMA/FIRM Maps: ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929) Aerial Photographs (Name and Date): 2019 USDA NAIP Orthophoto Other Photographs (Name and Date): Previous Determinations File No. and Date of Response Letter: ☐ Applicable/Supporting Case Law Citation: ☐ Applicable/Supporting Scientific Literature Citation: Other Information, Please Specify:

Additional Comments to Support JD:

Feature ID:

3 (Conley Spring Wash)

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

A. REPORT COMPLETI	ION DATE FOR A	PPROVED JU	IRISDICTIO	NAL DETERM	INATION (JD):	May 15,	2020	
B. DISTRICT OFFICE, F	ILE NAME, AND	NUMBER:	Los Angel	es District, Fil	e No. Pending			
C. PROJECT LOCATION	N AND BACKGRO	OUND INFOR	MATION:	Drainage Fea	iture 3 (Conf	ley Spring V	Vash)	
State: AZ	County/Parish/	borough:	Pinal Coun	nty		City:	Superior	
Center coordinates	of site: Lat. 3	3.30979°N	Lor	ng111.0396	59°W			
Name of nearest wa	terbody: Que	en Creek						
	ter coordinates of site: Lat. 33.30979°N Long111.039659°W ne of nearest waterbody: Queen Creek ne of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Gila River between Powers Butte and Gillespie Dam ne of watershed or Hydrologic Unit Code (HUC): 15050100 Check if map/diagram of review are and/or potential jurisdictional areas is/are available upon request check if other sites (e.g., offsite mitigation sites, disposal sites, etc) are associated with this action and are recorded on a lifferent JD form. IEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY): Office (Desk) Determination. Date: 05/2020 Field Determination. Date(s): IN II: SUMMARY OF FINDINGS A SECTION 10 DETERMINATION OF JURISDICTION. Are No "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329 in the review area. (aters subject to the ebb and flow of the tide. (aters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce (A SECTION 404 DETERMINATION OF JURISDICTION) Are No "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.							
Name of watershed	or Hydrologic Uni	t Code (HUC):	150	050100				
	- es (e.g, offsite mit	-	-		•		are recorded	on a
D. REVIEW PERFORM	ED FOR SITE EVA	ALUATION (C	HECK ALL	THAT APPLY):				
		e: 05/2020						
		N OF JURISD	ICTION.					
the re Waters subject to	eview area. the ebb and flow	of the tide.						
B. CWA SECTION 404	4 DETERMINATI	ON OF JURIS	DICTION					
		ithin Clean Wa	ater Act (CW	/A) jurisdiction	(as defined by 33	3 CFR part 32	28) in the revi	ew
TNWs (new Wetlands a Relatively p Non-RPWs Wetlands d Wetlands a	djacent to TNWs ermanent waters that flow directly irectly abutting R djacent to but not djacent to non-RP ents of jurisdictior	(RPWs) that flor indirectly in PWs that flow directly abute two that flow dial waters	ow directly ito TNWs viectly or cing RPWs the directly or ir	or indirectly into indirectly into nat flow directly into The	TNWs y or indirectly int	to TNWs		
b. Identify (estin	nate) size of wate	rs of the U.S.	in the revie	w area				
Non-Wetland	s waters	Linear	Feet	W	idth (ft) and/or		Acres	
Wetlands Acr	es:							
c. Limits (bound	daries) of Jurisdict	ion based on:						
_			•	essed within the	e review area and	d determined	d not to be ju	risdictional:
· · · · · · · · · · · · · · · · · · ·							.	

jurisdictional if it possessed a significant nexus with a downstream TNW. This drainage does not possess a

significant nexus with the downstream TNW.

Feature ID:
3 (Conley Spring Wash)

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatice resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1.	Identify TNW:	☐ Vegetation
	Summarize rationale supporting determination:	
2.	Wetland adjacent to TNW	
	Summarize rationale supporting conclusion that wetland is "adja	cent"

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions: Watershed Size (sq mi): 49650 Drainage Area (sq mi): 18 Average Annual Rainfall (in): 1.4 (ii) Physical Characteristics: (a) Relationship with TNW ☐ Tributary flows directly to TNW ☐ Tributary flows through 5 tributaries before entering TNW Project waters are 30 (or more) river miles from TNW

Feature ID:

3 (Conley Spring Wash)

Project wat	ters are 30 (d	r more)	river Miles	from tributai	y to RPW:		
Project wat	ers are 30 (c	r more)	aerial (stra	ght) miles fro	om tributary to	TNW:	
Project wat	ters are 30 (d	r more)	aerial (stra	ght) miles fro	om tributary to	RPW:	
Project wat	ers cross or serv	ve as state	boundaries.	Explain:			
Identify flo	w route to TNW	Generally	y to Queen C	reek to East	Maricopa Flood	lway to the Gila Riv	er er
(b) General Tribu	ıtary Characteri	<u>stics</u>					
Tributary is:	Natural		Explain:				
Average	operties with res Width (ft): Depth (ft):	pect to top 4.02 1	of bank (es	timate):			
Average	Side Slopes:	2:1					
Primary trik	outary substrate	compositi	on (check all	that apply):			
☐ Silts	Sands	☐ Co	ncrete	☐ Mu	ck		
☐ Cobb	. 💌		. O+b.	r Evolain:			
Bedr	Jubje 6	ite - Vegeta	201011	er, Explain:			
Presence c	Condition/Stabil of Run/Riffle/Po	ol Complex	es. Explain:		nks. Explain: e present.	Stable	
Tributary (•	Relatively					
Tributary (Gradient (approx	kimate avei	rage slope):	2%			
:) Flow: Tributary Provides for: Estimate average numb Describe Flow Re			area/year:				
Other Information on D							
Surface Flow is:	Confined		Character	etice.			
Subsurface Flow:	No		Explain:	3003.			
\square Dye (or other) te							
	i.						
Tributary Has (Check al	l that apply):						
Bed and BanksOHWM (check all t	:he apply): OHW	/M Indicato	ors:				
Clear, natural lin Changes in soil of Shelving Vegetation mat Leaf litter distur Sediment depos	ne impressed or character ted down, bent bed or washed	or absent	•	Destruction Presence of Sediment s Scour	orting		
☐ Water staining			L	Abrupt cha	nge in plant co	mmunity	
Other (list):							
Discontinuous?	Explain:						

If factors other than the OHWN were used to determine lateral extent of CWA jurisdiction (Check all that apply)

APPROVED JURISDICTIONAL DETERMINATION FORM

Feature ID: U.S. Army Corps of Engineers 3 (Conley Spring Wash) High tide line indicated by: Mean High water Mark indicated by: oil or scum line along shore objects survey to available datum fine shell or debris deposits (foreshore) physical markings physical markings/characteristics vegetation lines/changes in vegetation types \square other (iii) Chemical Characteristics: Characterize Tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc): Explain: Identify Specific Pollutants, if known: (iv) Biological Characteristics. Channel supports (check all that apply): Riparian Corridor Characteristics: Wetland Fringe Characteristics: Habitat for: Federally Listed Species Explain findings: Fish/Spawn Areas Explain findings: Other environmentally -sensitive species Explain findings: Aquatic/Wildlife diversity Explain: 2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW (i) Physical Characteristics: (a) General Wetland Characteristics Properties: Wetland Size (ac): Wetland Type, Explain: Wetland Quality, Explain: Project Wetlands Cross or Serve as State Boundaries, Explain: (b) General Flow Relationship with Non-TNW: Wetland Flow is: Explain: Surface Flow is: Characteristics: Subsurface Flow: Explain Findings: (c) Wetland Adjacency Determination with Non-TNW: Wetland Directly Abutting Non-TNW Discrete wetland hydrologic connection Explain: Ecological connection Explain: Separated by berm/barrier Explain: (d) Proximity (Relationship) to TNW

Project Wetlands: River Miles from TNW: Project Wetlands: Aerial Miles from TNW:

Estimate approximate Location of Wetland within Floodplain:

Flow is From:

Feature ID:	
3 (Conley Spring Wash)	

3.

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watersh characteristics; ect.).	30
Explain	
Identify specific pollutants, if know:	
iii) Biological Characteristics. Wetland supports (check all that apply):	
☐ Riparian Buffer Characteristics (type, average width):	
☐ Vegetation type/percent cover. Explain:	
Habitat for:	
☐ Federally Listed Species Explain:	
☐ Fish/Spawn Areas Explain:	
Other environmentally-sensitive speciesAguatic/Wildlife DiversityExplain:	
Characteristics of all wetlands adjacent to the tributary (if any)	
All wetland(s) being considered in cumulative analysis:	
Wetland acres in total being considered in cumulative analysis:	
Describe each wetland (directly abuts tributary?; size in acres; overall biological, chemical or physical functions):	

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- •Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent welands, then go to Section III.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

APPROVED JURISDICTIONAL DETERMINATION FORM	Feature ID:
U.S. Army Corps of Engineers	3 (Conley Spring Wash)
TERMINATIONS OF IURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS A	RF (CHECK ALL THAT APPLY):

1. TNWs and Ac	ljacent Wetlands.	Check all th	at apply and provide	e size estimates in review area:	
□ TNWs	Linear Feet:		Width (ft):	TNW Acres	
\square Wetlands a	djacent to TNWs:	Acres:			
2. RPWs that fl	ow directly or indi	rectly into TN	IWs		
	s of TNWs where transplayers	ibutaries typ	ically flow year-roun	nd are jurisdictional. Provide data and Rat	ionale indicating
	nal. Data supportin			easonally" (e.g., typically three months ea ection III.B. Provide rationale indicating th	
Provide	e estimates for juris	dictional wa	ters in the review are	e (check all that apply):	
☐ Trib	utary waters		Linear Feet:	Width (Ft).	
☐ Oth	er non-wetland wa	aters: Acr	es:		
3. Non-RPWs ti	nat flow directly or	· indirectly in	to TNWs.		
Provide estin Length (Lir	nates of jurisdiction ear Feet):	Pata supporti nal waters wit V	ng this conclusion pr	indirectly into a TNW, and it has significa rovided at section III.c. (check all that apply): Acres: tly into TNWs.	TE TEXAS
Provide estin Length (Lir 4. Wetlands din Wetlands Wetlands indicat	nates of jurisdiction ear Feet): ectly abutting an F directly abut RPW a nds directly abuttin ing that tributary is	Pata supportinal waters with a Very water series of the control of	ng this conclusion prothin the review area Vidth (feet): w directly or indirectional as adjacted as the concept to the concep	rovided at section III.c. (check all that apply):	itionale
Provide estin Length (Lir 4. Wetlands dir Wetlands Wetlan indicat abuttin Wetlan is seas	nates of jurisdiction ear Feet): Tectly abutting an Feetly abut RPW ands directly abutting that tributary is and RPW:	Pata supportinal waters with a Very series of the v	ng this conclusion prothin the review area Width (feet): w directly or indirect jurisdictional as adjusted in the result of the	rovided at section III.c. (check all that apply):	itionale and is directly cating that tribut
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Provide estin Length (Lir 4. Wetlands die Wetlands Wetlands indicat abuttin Wetlan is seas abuttin Provide acr 5. Wetlands ad adjacent	nates of jurisdiction ear Feet): rectly abutting an Feetly abutting and directly abutting that tributary is and RPW: Indicate the directly abuttine and RPW eage estimates for jacent to but not directly that do not directly abuttine and RPW	Pata supportinal waters with a Waters with a RPW that flow and thus are gan RPW what and rational jurisdictional lirectly abutt y abut an RP ituated adjacents.	ng this conclusion prothin the review area Width (feet): w directly or indirectly or	rovided at section III.c. (check all that apply):	itionale and is directly cating that tribut etland is directly which they are
Provide estin Length (Lir 4. Wetlands die Wetlands indicat abuttin Wetlan is seas abuttin Provide acr 5. Wetlands adjacent supportin	nates of jurisdiction lear Feet): rectly abutting an Feetly abutting and directly abutting that tributary is and RPW: ands directly abutting and RPW: ands directly abutting and RPW reage estimates for lile. But and RPW reage estimates for lile and with similarly seemed with similarly seemed rectles.	Pata supportinal waters with a Waters with a RPW that flow and thus are gone an RPW who and rational furisdictional lirectly abuttony abut an RP situated adjactorovided at the same supposed and supposed supposed and supposed suppo	ng this conclusion prothin the review area Width (feet): w directly or indirectly or	rovided at section III.c. (check all that apply): Acres: tly into TNWs. acent wetlands. cally flow year-round. Provide data and rave. Provide rationale indicating that wetlated bove. Provide rationale indicating that we warea: Acres: w directly or indirectly into TN ered in combination with the tributary to a significant nexus with a TNW are jurisid	itionale and is directly cating that tribut etland is directly which they are
Provide estin Length (Lir 4. Wetlands die Wetlands indicat abuttin Wetlan is seas abuttin Provide acr 5. Wetlands adjacent supportin Provide acres	nates of jurisdiction lear Feet): rectly abutting an Feetly abutting and directly abutting that tributary is and RPW: ands directly abuttine and RPW: ands directly abuttine and RPW reage estimates for jurisdiction is gethis conclusion is get estimates for jurisdiction is age estimates for jurisdiction.	Pata supportinal waters with a waters with a water supporting and thus are good and RPW who and rational firectly abuttory abut an RP ituated adjactorisdictional water surisdictional water supporting a w	ng this conclusion prothin the review area Width (feet): w directly or indirectly or	rovided at section III.c. (check all that apply): Acres: tly into TNWs. acent wetlands. cally flow year-round. Provide data and rave. Provide rationale indicating that wetlated bove. Provide rationale indicating that we warea: Acres: w directly or indirectly into TN ered in combination with the tributary to a significant nexus with a TNW are jurisidal warea: Acres:	itionale and is directly cating that tribu etland is directly which they are
Provide estin Length (Lir 4. Wetlands die Wetlands Wetlands indicat abuttin Wetlan is seas abuttin Provide acr 5. Wetlands adjacent supportin Provide acres 6. Wetlands adjand with sim	nates of jurisdiction lear Feet): rectly abutting an Fedirectly abut RPW and directly abutting that tributary is and RPW: Inds directly abutting and RPW: Inds directly abutting and RPW and RPW and RPW and RPW and RPW and RPW are estimates for jurisdicent to but not directly and with similarly so at this conclusion is age estimates for jurisdicent to non-RPWs acent to such water	Pata supportional waters with a waters with a waters with a water support of the water suppor	ng this conclusion prothin the review area Width (feet): w directly or indirectly in the review area with the review area with the review area and a series tributaries typically in the review area and a series tributaries typically in the review area and are tributaries typically in the review area and are tributaries typically in the review area and	rovided at section III.c. (check all that apply): Acres: tly into TNWs. acent wetlands. cally flow year-round. Provide data and rave. Provide rationale indicating that wetlated bove. Provide rationale indicating that we warea: Acres: w directly or indirectly into TN ered in combination with the tributary to a significant nexus with a TNW are jurisidal warea: Acres:	itionale and is directly cating that tribu etland is directly which they are lictional. Data

E. ISOLATED WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE

3 (Conley Spring Wash)

Feature ID:

Length (linear feet):				
Longer (micar rect).	Acres	:		
NON-JURISDICTIONAL WATER	s, including	WETLANDS:		
Non-Jurisdictional Waters:		ot meet the "Sig or jurisdiction.	nificant Nexus" standar	d, where such a finding
Provide acreage estimates for no MBR factors (i.e., presence of m professional judgment (check al Non wetland-Waters (i.e., ri Other Non-wetland Waters Wetlands MBR acres:	Anal more Anal with pollu affect not property spectors and propert	ysis Area and the feethan insubstantially sis Area and the coin the current Analitants, or contributed the chemical or provide significant its population fout the of or the amout at of or the amout at of or the surface we downgradient TNV dictional Waters. I waters in the revoresence of endangers	ohysical integrity of the dhabitat or life cycle suppend within the TNW, do not of nutrient transport that a more than insubsthis TNW. As such, there is a ter features within the dand, as such, these feat iew area, where the sole	ninate the potential for a concept expectation of the surface water features on tribute or filter on the contribute or filter of the contribute of the contribute of the antial effect on the contribute of the co
Provide acreage estimates for no				t the "Significant Nexus" st
Provide acreage estimates for no where such a finding is required	for jurisdiction	(check all that app	oly):	t the "Significant Nexus" st
Provide acreage estimates for no where such a finding is required Non-wetland waters	for jurisdiction	(check all that applications)		t the "Significant Nexus" st
Provide acreage estimates for no where such a finding is required	for jurisdiction	(check all that app	oly):	t the "Significant Nexus" st
Provide acreage estimates for no where such a finding is required Non-wetland waters Other waters Wetlands CTION IV: DATA SOURCES A. SUPPORTING DATA. Data revelences	for jurisdiction 556.05 iewed for JD (clately reference	(check all that apply acres heck all that apply a sources below):	oly): 4.02 width (ft) 4 - checked items shall be	included in case file and,
Provide acreage estimates for no where such a finding is required Non-wetland waters Other waters Wetlands CTION IV: DATA SOURCES A. SUPPORTING DATA. Data rev	iewed for JD (clately reference ibmitted by a sheets/delinea	(check all that apply acres acres below): Applicant/Conspehalf of Applicant ation report	4.02 width (ft) 7 - checked items shall be ultant: WestLand Res /Consultant	included in case file and,
Provide acreage estimates for no where such a finding is required Non-wetland waters Other waters Wetlands CTION IV: DATA SOURCES A. SUPPORTING DATA. Data revelenced and requested, appropriate Maps, Plans, Plots or Plat Sue Data Sheets Prepared/Subm Office Concurs with data	iewed for JD (clately reference ibmitted by nitted by or on keeps with data sheet e Corps	(check all that apply acres acres below): Applicant/Conspehalf of Applicant ation report	4.02 width (ft) 7 - checked items shall be ultant: WestLand Res /Consultant	included in case file and,

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 3 (Conley Spring Wash) ☐ USDA Nat'l Res Conservation Service Soil Survey Citation: ☐ National Wetlands Inventory Maps Cite Map Name: ☐ State/Local Wetland Inventory Maps ☐ FEMA/FIRM Maps: ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929) Aerial Photographs (Name and Date): 2019 USDA NAIP Orthophoto Other Photographs (Name and Date): File No. and Date of Response Letter: Previous Determinations ☐ Applicable/Supporting Case Law Citation: ☐ Applicable/Supporting Scientific Literature Citation:

Other Information, Please Specify: Additional Comments to Support JD:

Feature	ID:	
-		

This form should be completed by following the instructions provided in Section IV of the ID Form Instructional Guidehook

A. REPORT COMPLET	ION DATE FO	OR APPROVED JU	IRISDICTIO	NAL DETERMIN	IATION (JD):	May 15	, 2020	
B. DISTRICT OFFICE, F	ILE NAME, A	ND NUMBER:	Los Ange	les District, File	No. Pending			
. PROJECT LOCATIO	N AND BACK	GROUND INFOR	MATION:	Drainage Feat	ure 4			
State: AZ	County/Pa	rish/borough:	Pinal Cour	nty		City:	Superior	
Center coordinates	of site: Lat.	33.30979°N	Loi	ng111.039659)°W			
Name of nearest wa	aterbody:	Queen Creek						
Name of nearest Tra Gila River bet		gable Water (TNW Butte and Gillespi	•• • • • • • • • • • • • • • • • • • • •	the aquatic resc	urce flows:			
Name of watershed	or Hydrologic	: Unit Code (HUC):	15	050100				
Check if map/diaCheck if other sit different JD form	es (e.g, offsite	w are and/or pote mitigation sites, o	=		•		are recorded	on a
. REVIEW PERFORM	IED FOR SITE	EVALUATION (C	HECK ALL	THAT APPLY):				
✔ Office (Desk) De☐ Field Determina		S						
ECTION II: SUMMAR A. RHA SECTION 10			ICTION.					
the r Waters subject to	eview area. the ebb and f							
☐ Waters are presentB. CWA SECTION 40				may be susceput	ne for use to tra	ansport int	erstate or fore	eign comme
: 1		." within Clean Wa		/A) jurisdiction (a	s defined by 33	CER nart 3	128) in the rev	iew.
area	١.	. Within ordan W	acci 7100 (0 V)	,,,, janisaiecion (e	s acrifica by 55	or it pares	izo, in the rev	1017
1. Waters of the U		afile in various	avaa (Chaala	مال دالم مرسال الم				
TNWs (new		of U.S. in review	area (Check	an the appry):				
☐ Wetlands a ☐ Relatively r	idjacent to TN permanent wa	Ws ters (RPWs) that f	low directly	or indirectly into	TNWs			
Non-RPWs	that flow dire	ctly or indirectly in	nto TNWs	ŕ				
☐ Wetlands a ☐ Wetlands a ☐ Impoundm	djacent to bu djacent to no ents of jurisdi	ng RPWs that flow t not directly abut n-RPWs that flow ctional waters trastate) waters, ir	ting RPWs the directly or ir	nat flow directly ndirectly into TN\	or indirectly int	o TNWs		
		waters of the U.S.	_					
Non-Wetland		Linea			th (ft) and/or		Acres	
Wetlands Acı	res:							
vvetianus Ac.								
	daries) of Juri	sdiction based on	:					

jurisdictional if it possessed a significant nexus with a downstream TNW. This drainage does not possess a

significant nexus with the downstream TNW.

Feature ID:	
4	

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatice resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

L.	Identify TNW:	☐ Vegetation
	Summarize rationale supporting determination:	
2.	Wetland adjacent to TNW	

Summarize rationale supporting conclusion that wetland is "adjacent"

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed Size (sq mi): Drainage Area (sq mi): Average Annual Rainfall (in): Average Annual Snowfall (in): 18 1.4 (ii) Physical Characteristics: (a) Relationship with TNW Tributary flows directly to TNW Tributary flows through 5 Tributary flows through 5 Project waters are 30 (or more) river miles from TNW

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 4 Project waters are 30 (or more) river Miles from tributary to RPW: Project waters are 30 (or more) aerial (straight) miles from tributary to TNW: Project waters are 30 (or more) aerial (straight) miles from tributary to RPW: Project waters cross or serve as state boundaries. Explain: Identify flow route to TNW Generally to Queen Creek to East Maricopa Floodway to the Gila River (b) General Tributary Characteristics Tributary is: Natural Explain: Tributary properties with respect to top of bank (estimate): Average Width (ft): 2.92 Average Depth (ft): 1 Average Side Slopes: 2:1 Primary tributary substrate composition (check all that apply): Sands Concrete Cobbles Gravel ☐ Bedrock ☐ Substrate - Vegetation Other, Explain: Tributary Condition/Stability [e.g., highly eroding, sloughing banks. Explain: Stable Presence of Run/Riffle/Pool Complexes. Explain: None present. Tributary Geometry: Relatively Straight Tributary Gradient (approximate average slope): 2% (c) Flow: Tributary Provides for: **Ephemeral Flow** Estimate average number of flow events in review area/year: Describe Flow Regime: Ephemeral. Other Information on Duration and Volume: Surface Flow is: Confined Characteristics: Subsurface Flow: No Explain: Dye (or other) test performed: Tributary Has (Check all that apply): ✓ Bed and Banks OHWM (check all the apply): OHWM Indicators: Clear, natural line impressed on the bank Presence of litter and debris

☐ Water staining ☐ Abrupt change in plant community

Other (list):

Destruction of terrestrial vegetation

Multiple observed or predicted flow events

Presence of wrack line

Sediment sorting

Scour

Changes in soil character

Sediment deposition

✓ Vegetation matted down, bent or absent✓ Leaf litter disturbed or washed away

Explain:

Shelving

Discontinuous?

If factors other than the OHWN were used to determine lateral extent of CWA jurisdiction (Check all that apply)

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers High tide line indicated by: Mean High water Mark indicated by: oil or scum line along shore objects survey to available datum fine shell or debris deposits (foreshore) physical markings physical markings/characteristics vegetation lines/changes in vegetation types \square other (iii) Chemical Characteristics: Characterize Tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc): Explain: Identify Specific Pollutants, if known: (iv) Biological Characteristics. Channel supports (check all that apply): Riparian Corridor Characteristics: Wetland Fringe Characteristics: Habitat for: Federally Listed Species Explain findings: Fish/Spawn Areas Explain findings: Other environmentally -sensitive species Explain findings: Aquatic/Wildlife diversity Explain: 2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW (i) Physical Characteristics: (a) General Wetland Characteristics Properties: Wetland Size (ac): Wetland Type, Explain: Wetland Quality, Explain: Project Wetlands Cross or Serve as State Boundaries, Explain: (b) General Flow Relationship with Non-TNW: Wetland Flow is: Explain: Surface Flow is: Characteristics: Subsurface Flow: Explain Findings: (c) Wetland Adjacency Determination with Non-TNW: Wetland Directly Abutting Non-TNW Discrete wetland hydrologic connection Explain: Ecological connection Explain: Separated by berm/barrier Explain: (d) Proximity (Relationship) to TNW Project Wetlands: River Miles from TNW: Project Wetlands: Aerial Miles from TNW:

Flow is From:

Estimate approximate Location of Wetland within Floodplain:

Featu	Feature ID:							
4								

3.

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watersl characteristics; ect.).	ned
Explain	
Identify specific pollutants, if know:	
iii) Biological Characteristics. Wetland supports (check all that apply):	
☐ Riparian Buffer Characteristics (type, average width):	
☐ Vegetation type/percent cover. Explain:	
Habitat for:	
☐ Federally Listed Species Explain:	
Fish/Spawn Areas Explain:	
Other environmentally-sensitive species Explain:	
Aquatic/Wildlife Diversity Explain:	
Characteristics of all wetlands adjacent to the tributary (if any)	
All wetland(s) being considered in cumulative analysis:	
Wetland acres in total being considered in cumulative analysis:	
Describe each wetland (directly abuts tributary?; size in acres; overall biological, chemical or physical functions):	

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- •Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent welands, then go to SectionIII.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

Feature ID:

TERMINATIO					
1. TNWs and A	djacent Wetlands.	Check all that apply and pr	ovide size estimates	in review area:	
☐ TNWs	Linear Feet:	Width (ft):	TNW Ac	res	
\square Wetlands	adjacent to TNWs:	Acres:			
2. RPWs that f	low directly or indir	ectly into TNWs			
	es of TNWs where tr stary is perennial:	butaries typically flow year-	round are jurisdictio	nal. Provide data and Rationale ii	ndicat
	onal. Data supporting			typically three months each year ride rationale indicating that tribu	
Provid	le estimates for juris	dictional waters in the revie	w are (check all that	apply):	
☐ Tri	butary waters	Linear Feet:	Width (F	t).	
☐ Ot	her non-wetland wa	ters: Acres:			
3. Non-RPWs	that flow directly or	indirectly into TNWs.			
Provide esti Length (Li	W is jurisdictional. D mates of jurisdiction near Feet):	ata supporting this conclusional waters within the review Width (feet):	on provided at section area (check all that a Acre	apply):	s
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Provide esti Length (Li 4. Wetlands d Wetlands Wetlands abutt Wetla is sea abutt Provide ac 5. Wetlands a Wetland adjacent supporti Provide acre 6. Wetlands ad and with sin	W is jurisdictional. D mates of jurisdiction near Feet): irectly abutting an R is directly abutting and RPW: ands directly abutting and RPW: ands directly abutting and RPW: ands directly abutting and RPW reage estimates for juice and with similarly sing and with similarly sing this conclusion is eage estimates for juicent to non-RPWs diacent to such wate	ata supporting this conclusional waters within the review Width (feet): PW that flow directly or incoming and thus are jurisdictional as going an RPW where tributaries aperennial in Section III.D.2, going an RPW where tributaries and rationale in Section III.I. going an RPW where tributaries and rationale in Section III.I. going an RPW that go abut an RPW, but when contracted adjacent wetlands, in provided at Section III.C. risdictional wetland in the rettat flow directly or indirectly and have when considered ent wetlands, have a signification of the rettal response	on provided at section area (check all that a Acre directly into TNWs. adjacent wetlands. typically flow year-rounder above. Provide ration typically flow "Seaso D.2 above. Provide ration above. Provide ration above area: Acres at flow directly or into physical in combination area: Acres eview area: Acres at flow directly or into the physical physical into TNWs. ed in combination with the provided in the p	on III.c. apply): es: cound. Provide data and rationale onale indicating that wetland is disposale indicating that wetland is disposale indicating that wetland is es: directly into TN ation with the tributary to which the wetland is the country of the country into TN ation with a TNW are jurisidictional	rectly nat tri s direc chey a . Data

E. ISOLATED WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE

Demonstration of Jurisdiction:

APPROVED JURISDICTIONAL DETERMINATION FORM

Feature ID: U.S. Army Corps of Engineers 4 Supporting rationale: Length (linear feet): Acres: F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS: Non-Jurisdictional Waters: Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain finding of no Significant Nexus: The characteristics of the surface water features within the current Analysis Area and the flowpath to the TNW eliminate the potential for a more than insubstantial hydrologic connection to exist between the Analysis Area and the downgradient TNW. The surface water features within the current Analysis Area do not either contribute or filter pollutants, or contribute sediments at an amount or frequency that would affect the chemical or physical integrity of the downstream TNW. They do not provide significant habitat or life cycle support functions for any species population found within the TNW, do not affect the aquatic habitat of or the amount of nutrient transport to the TNW reach of the Gila River, and do not have a more than insubstantial effect on the biological integrity of this TNW. As such, there is no significant nexus between the surface water features within the current Analysis Area and the downgradient TNW and, as such, these features are not a jurisdictional Waters. Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply): Non wetland-Waters (i.e., rivers, streams): linear feet: width (ft): ☐ Other Non-wetland Waters MBR acres: acres: Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply): ✓ Non-wetland waters 583.15 linear feet (ft), 2.92 width (ft) Other waters acres Wetlands acres **SECTION IV: DATA SOURCES** A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below): ✓ Maps, Plans, Plots or Plat Submitted by Applicant/Consultant: WestLand Resources, Inc. Data Sheets Prepared/Submitted by or on behalf of Applicant/Consultant Office Concurs with data sheets/delineation report Office Does Not Concur with data sheets/delineation report Data Sheets Prepared by the Corps Corps Navigable Water Study US Geological Survey Hydrologic Atlas USGS NHD Data ☐ USGS 8 and 12 digit HUC Maps US Geological Survey Map(s) Scale and Quad Name:

Superior 7.5-Minute Quadrangle

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 4 ☐ USDA Nat'l Res Conservation Service Soil Survey Citation: ☐ National Wetlands Inventory Maps Cite Map Name: ☐ State/Local Wetland Inventory Maps ☐ FEMA/FIRM Maps: ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929) Aerial Photographs (Name and Date): 2019 USDA NAIP Orthophoto Other Photographs (Name and Date): Previous Determinations File No. and Date of Response Letter: ☐ Applicable/Supporting Case Law Citation: ☐ Applicable/Supporting Scientific Literature Citation: Other Information, Please Specify:

Additional Comments to Support JD:

Fea	ature	ID:		
5				

Thi

	APPROVED JURISDICTIONA	AL DETERMINATION (JD):	May 15, 2020	
B. DISTRICT OFFICE, FILE NAME, AND	NUMBER: Los Angeles	District, File No. Pending		
C. PROJECT LOCATION AND BACKGR	OUND INFORMATION: D	rainage Feature 5		
State: AZ County/Parish	/borough: Pinal County		City: Superior	
Center coordinates of site: Lat.	33.30979°N Long.	-111.039659°W		
Name of nearest waterbody: Qu	een Creek			
Name of nearest Traditional Navigab Gila River between Powers But		e aquatic resource flows:		
Name of watershed or Hydrologic Un	it Code (HUC): 15050	0100		
Check if map/diagram of review and Check if other sites (e.g, offsite mindifferent JD form.	, ,	·	•	ed on a
D. REVIEW PERFORMED FOR SITE EV	ALUATION (CHECK ALL TH	AT APPLY):		
Office (Desk) Determination. DateField Determination. Date(s):	e: 05/2020			
SECTION II: SUMMARY OF FINDINGS A. RHA SECTION 10 DETERMINATIO				
There Are No "navigable waters of the review area. Waters subject to the ebb and flow Waters are presently used, or have B. CWA SECTION 404 DETERMINAT There Are No "waters of the U.S." waters.	been used in the past, or ma	y be susceptible for use to tr	ransport interstate or fo	oreign commerc
1. Waters of the U.S.				
Non-RPWs that flow directly	s (RPWs) that flow directly or	indirectly into TNWs directly into TNWs flow directly or indirectly in rectly into TNWs	to TNWs	
☐ Wetlands adjacent to but no☐ Wetlands adjacent to non-R☐ Impoundments of jurisdictio	nal waters tate) waters, including isolate	d wetlands		
☐ Wetlands adjacent to but no☐ Wetlands adjacent to non-R☐ Impoundments of jurisdictio	tate) waters, including isolate			
 □ Wetlands adjacent to but no □ Wetlands adjacent to non-Ri □ Impoundments of jurisdictio □ Isolated (interstate or intrast 	tate) waters, including isolate		Acres	
 □ Wetlands adjacent to but no □ Wetlands adjacent to non-Ri □ Impoundments of jurisdictio □ Isolated (interstate or intrast b. Identify (estimate) size of water 	tate) waters, including isolate	area	Acres	

jurisdictional if it possessed a significant nexus with a downstream TNW. This drainage does not possess a

significant nexus with the downstream TNW.

Feature ID:	
5	

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatice resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1.	Identify TNW:	☐ Vegetation
	Summarize rationale supporting determination:	
2.	Wetland adjacent to TNW	
	Summarize rationale supporting conclusion that wetland is "adja	cent"

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed Size (sq mi): Drainage Area (sq mi): Average Annual Rainfall (in): Average Annual Snowfall (in): 18 Average Annual Snowfall (in): 1.4 (ii) Physical Characteristics: (a) Relationship with TNW Tributary flows directly to TNW Tributary flows through 5 Tributary flows through 5

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 5 Project waters are 30 (or more) river Miles from tributary to RPW: Project waters are 30 (or more) aerial (straight) miles from tributary to TNW: Project waters are 30 (or more) aerial (straight) miles from tributary to RPW: Project waters cross or serve as state boundaries. Explain: Identify flow route to TNW Generally to Queen Creek to East Maricopa Floodway to the Gila River (b) General Tributary Characteristics Tributary is: Natural Explain: Tributary properties with respect to top of bank (estimate): 4.27 Average Width (ft): Average Depth (ft): 1 Average Side Slopes: 2:1 Primary tributary substrate composition (check all that apply): Sands Concrete Cobbles Gravel ☐ Bedrock ☐ Substrate - Vegetation Other, Explain: Tributary Condition/Stability [e.g., highly eroding, sloughing banks. Explain: Stable

None present.

2%

Tributary Provides for Estimate average nun Describe Flow	nber of flow events in rev	iew area/year:	
Other Information or	n Duration and Volume:		
Surface Flow is:	Confined	Characteristics:	
Subsurface Flow:	No	Explain:	
Dye (or other)	test performed:		
✓ Bed and Banks✓ OHWM (check a	ll the apply): OHWM Indi	cators:	
OHWM (check a	ll the apply): OHWM Indi	cators:	
	line impressed on the ba		
✓ Changes in so ☐ Shelving	iii Criaracter	Destruction of terrestrial vegetationPresence of wrack line	
		Treserve of Widek lifte	
-	atted down, bent or abse	ent Sediment sorting	
✓ Vegetation m	atted down, bent or abse turbed or washed away	ent ✓ Sediment sorting ☐ Scour	
✓ Vegetation m	turbed or washed away	_	vents
✓ Vegetation m✓ Leaf litter dist	turbed or washed away position	Scour	vents
✓ Vegetation m✓ Leaf litter dist✓ Sediment dep	turbed or washed away position	ScourMultiple observed or predicted flow e	vents

If factors other than the OHWN were used to determine lateral extent of CWA jurisdiction (Check all that apply)

Presence of Run/Riffle/Pool Complexes. Explain:

Tributary Gradient (approximate average slope):

Relatively Straight

Tributary Geometry:

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 5 High tide line indicated by: Mean High water Mark indicated by: oil or scum line along shore objects survey to available datum fine shell or debris deposits (foreshore) physical markings physical markings/characteristics vegetation lines/changes in vegetation types \square other (iii) Chemical Characteristics: Characterize Tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc): Explain: Identify Specific Pollutants, if known: (iv) Biological Characteristics. Channel supports (check all that apply): Riparian Corridor Characteristics: Wetland Fringe Characteristics: Habitat for: Federally Listed Species Explain findings: Fish/Spawn Areas Explain findings: Other environmentally -sensitive species Explain findings: Aquatic/Wildlife diversity Explain: 2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW (i) Physical Characteristics: (a) General Wetland Characteristics Properties: Wetland Size (ac): Wetland Type, Explain: Wetland Quality, Explain: Project Wetlands Cross or Serve as State Boundaries, Explain: (b) General Flow Relationship with Non-TNW: Wetland Flow is: Explain: Surface Flow is: Characteristics: Subsurface Flow: Explain Findings: (c) Wetland Adjacency Determination with Non-TNW: Wetland Directly Abutting Non-TNW Discrete wetland hydrologic connection Explain: Ecological connection Explain: Separated by berm/barrier Explain: (d) Proximity (Relationship) to TNW Project Wetlands: River Miles from TNW: Project Wetlands: Aerial Miles from TNW:

Flow is From:

Estimate approximate Location of Wetland within Floodplain:

Feature ID:
E
J

	Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics: ect.).
	Explain
	Identify specific pollutants, if know:
(iii)	Biological Characteristics. Wetland supports (check all that apply):
	Riparian Buffer Characteristics (type, average width):
	☐ Vegetation type/percent cover. Explain:
	Habitat for:
	☐ Federally Listed Species Explain:
	☐ Fish/Spawn Areas Explain:
	Other environmentally-sensitive species Explain:
	Aquatic/Wildlife Diversity Explain:
3. Ch	aracteristics of all wetlands adjacent to the tributary (if any)
Д	All wetland(s) being considered in cumulative analysis:
٧	Vetland acres in total being considered in cumulative analysis:
D	escribe each wetland (directly abuts tributary?; size in acres; overall biological, chemical or physical functions):

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- •Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent welands, then go to SectionIII.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

	O.S. Army corps c	7 Engineers	5
ETERMINATIONS OF JURISDICTIONAL	FINDINGS. THE SUBJECT	T WATERS/WETLAND	OS ARE (CHECK ALL THAT APP
1. TNWs and Adjacent Wetlands. Check			•
☐ TNWs Linear Feet:	Width (ft):	TNW Acres	
☐ Wetlands adjacent to TNWs: Acres:	: I		
2. RPWs that flow directly or indirectly i			
Tributaries of TNWs where tributari		nd are jurisdictional. Pro	ovide data and Rationale indicati
☐ Tributaries of TNW where tributarie jurisdictional. Data supporting this of flows seasonally:			
Provide estimates for jurisdiction	nal waters in the review ar	re (check all that apply)	:
Tributary waters	Linear Feet:	Width (Ft).	
\square Other non-wetland waters:	Acres:		
3. Non-RPWs that flow directly or indire	ectly into TNWs		
☐ Waterbody that is not a TNW or an F with a TNW is jurisdictional. Data su	RPW, but flows directly or	•	_
Provide estimates of jurisdictional wat	ers within the review area	a (check all that apply):	
Length (Linear Feet):	Width (feet):	Acres:	
4. Wetlands directly abutting an RPW th	nat flow directly or indirec	ctly into TNWs.	
☐ Wetlands directly abut RPW and thu	us are jurisdictional as adj	acent wetlands.	
\Box Wetlands directly abutting an RI	PW where tributaries typi	cally flow year-round. P	Provide data and rationale ndicating that wetland is directly
			Provide data indicating that tribe indicating that wetland is direct
Provide acreage estimates for jurisdic	ctional wetland in the revi	ew area: Acres:	
5. Wetlands adjacent to but not directly	abutting an RPW that flo	w directly or indirectly	/ into TN
 Wetlands that do not directly abut adjacent and with similarly situated supporting this conclusion is provided. 	d adjacent wetlands, have		
Provide acreage estimates for jurisdict	tional wetland in the revie	w area: Acres:	
6. Wetlands adjacent to non-RPWs that fl	low directly or indirectly i	into TNWs.	
Wetlands adjacent to such waters, and and with similarly situated adjacent we conclusion is provided at Section III.C	etlands, have a significant		-
Provide estimates for jurisdictional we	etland in the review area (i	n acres):	
Impoundments of jurisdictional waters.	·		
Demonstration of Jurisdiction:			
Deligation of Januarion			

E. ISOLATED WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE

APPROVED JURISDICTIONAL DETERMINATION FORM

Feature ID:

U.S. Army Corps of Engineers 5 Supporting rationale: Length (linear feet): Acres: F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS: Non-Jurisdictional Waters: Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain finding of no Significant Nexus: The characteristics of the surface water features within the current Analysis Area and the flowpath to the TNW eliminate the potential for a more than insubstantial hydrologic connection to exist between the Analysis Area and the downgradient TNW. The surface water features within the current Analysis Area do not either contribute or filter pollutants, or contribute sediments at an amount or frequency that would affect the chemical or physical integrity of the downstream TNW. They do not provide significant habitat or life cycle support functions for any species population found within the TNW, do not affect the aquatic habitat of or the amount of nutrient transport to the TNW reach of the Gila River, and do not have a more than insubstantial effect on the biological integrity of this TNW. As such, there is no significant nexus between the surface water features within the current Analysis Area and the downgradient TNW and, as such, these features are not a jurisdictional Waters. Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply): Non wetland-Waters (i.e., rivers, streams): linear feet : width (ft): ☐ Other Non-wetland Waters MBR acres: acres: Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply): ✓ Non-wetland waters 923.17 linear feet (ft), 4.27 width (ft) Other waters acres Wetlands acres **SECTION IV: DATA SOURCES** A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below): ✓ Maps, Plans, Plots or Plat Submitted by Applicant/Consultant: WestLand Resources, Inc. Data Sheets Prepared/Submitted by or on behalf of Applicant/Consultant Office Concurs with data sheets/delineation report Office Does Not Concur with data sheets/delineation report Data Sheets Prepared by the Corps Corps Navigable Water Study US Geological Survey Hydrologic Atlas USGS NHD Data ☐ USGS 8 and 12 digit HUC Maps US Geological Survey Map(s) Scale and Quad Name:

Superior 7.5-Minute Quadrangle

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 5 ☐ USDA Nat'l Res Conservation Service Soil Survey Citation: ☐ National Wetlands Inventory Maps Cite Map Name: ☐ State/Local Wetland Inventory Maps ☐ FEMA/FIRM Maps: ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929) ✓ Aerial Photographs (Name and Date): 2019 USDA NAIP Orthophoto Other Photographs (Name and Date): Previous Determinations File No. and Date of Response Letter: ☐ Applicable/Supporting Case Law Citation: ☐ Applicable/Supporting Scientific Literature Citation: Other Information, Please Specify:

Additional Comments to Support JD:

Feature ID:
5A

Thi

	APPROVED JURISDICTIONAL	L DETERMINATION (JD): №	1ay 15, 2020
B. DISTRICT OFFICE, FILE NAME, AND	NUMBER: Los Angeles [District, File No. Pending	
C. PROJECT LOCATION AND BACKGRO	OUND INFORMATION: Dra	ainage Feature 5A	
State: AZ County/Parish,	/borough: Pinal County	(City: Superior
Center coordinates of site: Lat.	33.30979°N Long.	-111.039659°W	
Name of nearest waterbody: Que	een Creek		
Name of nearest Traditional Navigable Gila River between Powers Butt		aquatic resource flows:	
Name of watershed or Hydrologic Uni	it Code (HUC): 15050:	100	
Check if map/diagram of review arCheck if other sites (e.g, offsite mit different JD form.	• •	· ·	•
D. REVIEW PERFORMED FOR SITE EV	ALUATION (CHECK ALL THA	T APPLY):	
✓ Office (Desk) Determination. Date Field Determination. Date(s):	e: 05/2020		
SECTION II: SUMMARY OF FINDINGS A. RHA SECTION 10 DETERMINATIO	N OF JURISDICTION.		
the review area. Waters subject to the ebb and flow Waters are presently used, or have B. CWA SECTION 404 DETERMINATION	of the tide. been used in the past, or may ON OF JURISDICTION	oors Act (RHA) jurisdiction (as de be susceptible for use to transpurisdiction (as defined by 33 CFF	oort interstate or foreign commer
1. Waters of the U.S.			
	J.S. in review area (Check all t	:he apply):	
 Non-RPWs that flow directly Wetlands directly abutting R Wetlands adjacent to but not Wetlands adjacent to non-RF Impoundments of jurisdiction 	RPWs that flow directly or indi t directly abutting RPWs that f PWs that flow directly or indire	rectly into TNWs flow directly or indirectly into TN ectly into TNWs	IWs
☐ TNWs (new) ☐ Wetlands adjacent to TNWs ☐ Relatively permanent waters ☐ Non-RPWs that flow directly ☐ Wetlands directly abutting R ☐ Wetlands adjacent to but not ☐ Wetlands adjacent to non-RF ☐ Impoundments of jurisdiction	or indirectly into TNWs PWs that flow directly or indi t directly abutting RPWs that f PWs that flow directly or indire hal waters ate) waters, including isolated	rectly into TNWs flow directly or indirectly into TN ectly into TNWs I wetlands	IWs
TNWs (new) Wetlands adjacent to TNWs Relatively permanent waters Non-RPWs that flow directly Wetlands directly abutting R Wetlands adjacent to but not Wetlands adjacent to non-RF Impoundments of jurisdiction Isolated (interstate or intrast	or indirectly into TNWs PWs that flow directly or indi t directly abutting RPWs that f PWs that flow directly or indire hal waters ate) waters, including isolated	rectly into TNWs flow directly or indirectly into TN ectly into TNWs I wetlands	JWs Acres
TNWs (new) Wetlands adjacent to TNWs Relatively permanent waters Non-RPWs that flow directly Wetlands directly abutting R Wetlands adjacent to but not Wetlands adjacent to non-RF Impoundments of jurisdiction Isolated (interstate or intrast	or indirectly into TNWs PWs that flow directly or indi t directly abutting RPWs that f PWs that flow directly or indire nal waters ate) waters, including isolated ers of the U.S. in the review a	rectly into TNWs flow directly or indirectly into TN ectly into TNWs I wetlands rea	

jurisdictional if it possessed a significant nexus with a downstream TNW. This drainage does not possess a

significant nexus with the downstream TNW.

Feature ID:	
5A	

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatice resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1.	Identify TNW:	☐ Vegetation	
	Summarize rationale supporting determination:		
2.	Wetland adjacent to TNW		
	Summarize rationale supporting conclusion that wetland is "adja	cent"	

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions: Watershed Size (sq mi): 49650 Drainage Area (sq mi): 18 Average Annual Rainfall (in): 1.4 (ii) Physical Characteristics: (a) Relationship with TNW ☐ Tributary flows directly to TNW ☐ Tributary flows through 5 tributaries before entering TNW Project waters are 30 (or more) river miles from TNW

APF	ROVED JURI	SDICTIONAL D	ETERMINA ⁻	TION FORM	Feature ID:
	U.S.	Army Corps o	of Engineers		5A
Project waters are 3	30 (or more)	river Miles fr	om tributary	to RPW:	
Project waters are	0 (or more)	aerial (straig	ht) miles fro	m tributary to	TNW:
Project waters are	0 (or more)	aerial (straig	ht) miles fro	m tributary to	RPW:
Project waters cross or	serve as state	boundaries.	Explain:		
Identify flow route to T	NW General	ly to Queen Cre	eek to East M	laricopa Flood	lway to the Gila River
General Tributary Charac	teristics_				
Tributary is: Natural		Explain:			
Average Width (ft): Average Depth (ft): Average Side Slopes	1 : 2:1				
Primary tributary subst	rate composit	ion (check all t	hat apply):		
☐ Silts ✓ Sar ☐ Cobbles ✓ Gra	_	oncrete	☐ Muc	k	
Bedrock Suk	strate - Veget	ation Other	, Explain:		
Tributary Condition/St	ability [e.g., h	ighly eroding, s	loughing bar	ıks. Explain:	Stable
Presence of Run/Riffle	/Pool Comple	xes. Explain:	None	present.	
Presence of Run/Riffle Tributary Geometry:	/Pool Comple Relatively	··	None	present.	

(c) Flow: Tributary Provides for: Estimate average numb Describe Flow R	per of flow events in review	area/year:
Other Information on	Duration and Volume:	
Surface Flow is:	Confined	Characteristics:
Subsurface Flow:	No	Explain:
Dye (or other) to	est performed:	······································
Tributary Has (Check a Bed and Banks OHWM (check all	the apply): OHWM Indicato	rs:
Changes in soilShelvingVegetation ma	tted down, bent or absent irbed or washed away osition	 □ Presence of litter and debris ✔ Destruction of terrestrial vegetation □ Presence of wrack line ✔ Sediment sorting □ Scour □ Multiple observed or predicted flow events □ Abrupt change in plant community
Other (list):		
Discontinuous?	Explain:	

If factors other than the OHWN were used to determine lateral extent of CWA jurisdiction (Check all that apply)

ED_013248_00000874-00079

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 5A High tide line indicated by: Mean High water Mark indicated by: oil or scum line along shore objects survey to available datum fine shell or debris deposits (foreshore) physical markings physical markings/characteristics vegetation lines/changes in vegetation types \square other (iii) Chemical Characteristics: Characterize Tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc): Explain: Identify Specific Pollutants, if known: (iv) Biological Characteristics. Channel supports (check all that apply): Riparian Corridor Characteristics: Wetland Fringe Characteristics: Habitat for: Federally Listed Species Explain findings: Fish/Spawn Areas Explain findings: Other environmentally -sensitive species Explain findings: Aquatic/Wildlife diversity Explain: 2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW (i) Physical Characteristics: (a) General Wetland Characteristics Properties: Wetland Size (ac): Wetland Type, Explain: Wetland Quality, Explain: Project Wetlands Cross or Serve as State Boundaries, Explain: (b) General Flow Relationship with Non-TNW: Wetland Flow is: Explain: Surface Flow is: Characteristics: Subsurface Flow: Explain Findings: (c) Wetland Adjacency Determination with Non-TNW: Wetland Directly Abutting Non-TNW Discrete wetland hydrologic connection Explain: Ecological connection Explain:

Separated by berm/barrier

Project Wetlands: River Miles from TNW: Project Wetlands: Aerial Miles from TNW:

Estimate approximate Location of Wetland within Floodplain:

(d) Proximity (Relationship) to TNW

Flow is From:

Explain:

Feature	ID:
5A	

3.

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; ect.).
Explain
Identify specific pollutants, if know:
iii) Biological Characteristics. Wetland supports (check all that apply):
Riparian Buffer Characteristics (type, average width):
☐ Vegetation type/percent cover. Explain:
Habitat for:
Federally Listed Species Explain:
Fish/Spawn Areas Explain:
Other environmentally-sensitive species Explain:
Aquatic/Wildlife Diversity Explain:
Characteristics of all wetlands adjacent to the tributary (if any)
All wetland(s) being considered in cumulative analysis:
Wetland acres in total being considered in cumulative analysis:
Describe each wetland (directly abuts tributary?: size in acres: overall biological, chemical or physical functions):

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- •Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent welands, then go to SectionIII.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

Feature ID:

	U.S. Army Corps o	of Engineers	5A
			OS ARE (CHECK ALL THAT APPLY)
	. Check all that apply and provid	e size estimates in revi	ew area:
☐ TNWs Linear Feet:	Width (ft):	TNW Acres	
☐ Wetlands adjacent to TNWs	: Acres:		
2. RPWs that flow directly or inc	directly into TNWs		
Tributaries of TNWs where that tributary is perennial:	tributaries typically flow year-rour	nd are jurisdictional. Pr	ovide data and Rationale indicating
jurisdictional. Data support flows seasonally:	ributaries have continuous flow "s ing this conclusion is provided at S	ection III.B. Provide rat	ionale indicating that tributary
	risdictional waters in the review ar		:
☐ Tributary waters	Linear Feet:	Width (Ft).	
U Other non-wetland v	vaters: Acres:		
3. Non-RPWs that flow directly	or indirectly into TNWs.		
☐ Wetlands directly abut RPV	Width (feet): n RPW that flow directly or indirectly and thus are jurisdictional as adjusted as a second state of the control	acent wetlands.	
	ing an RPW where tributaries typion is perennial in Section III.D.2, abo		
			Provide data indicating that tribu e indicating that wetland is directly
Provide acreage estimates for	or jurisdictional wetland in the revi	ew area: Acres:	
5. Wetlands adjacent to but not	directly abutting an RPW that flo	w directly or indirectly	into TN
adjacent and with similarly	etly abut an RPW, but when consid		
Provide acreage estimates for	jurisdictional wetland in the review	w area: Acres:	
6. Wetlands adjacent to non-RPV	Vs that flow directly or indirectly i	nto TNWs.	
-	ters, and have when considered in acent wetlands, have a significant on III.C		
Provide estimates for jurisdict	ional wetland in the review area (i	n acres):	
Impoundments of jurisdictional v	waters.		
Demonstration of Jurisdiction:			

E. ISOLATED WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 5A Supporting rationale: Length (linear feet): Acres: F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS: Non-Jurisdictional Waters: Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain finding of no Significant Nexus: The characteristics of the surface water features within the current Analysis Area and the flowpath to the TNW eliminate the potential for a more than insubstantial hydrologic connection to exist between the Analysis Area and the downgradient TNW. The surface water features within the current Analysis Area do not either contribute or filter pollutants, or contribute sediments at an amount or frequency that would affect the chemical or physical integrity of the downstream TNW. They do not provide significant habitat or life cycle support functions for any species population found within the TNW, do not affect the aquatic habitat of or the amount of nutrient transport to the TNW reach of the Gila River, and do not have a more than insubstantial effect on the biological integrity of this TNW. As such, there is no significant nexus between the surface water features within the current Analysis Area and the downgradient TNW and, as such, these features are not a jurisdictional Waters. Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply): Non wetland-Waters (i.e., rivers, streams): linear feet : width (ft): ☐ Other Non-wetland Waters MBR acres: acres: Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply): ✓ Non-wetland waters 833.72 linear feet (ft), 4.41 width (ft) Other waters acres Wetlands acres **SECTION IV: DATA SOURCES** A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below): ✓ Maps, Plans, Plots or Plat Submitted by Applicant/Consultant: WestLand Resources, Inc. Data Sheets Prepared/Submitted by or on behalf of Applicant/Consultant Office Concurs with data sheets/delineation report Office Does Not Concur with data sheets/delineation report Data Sheets Prepared by the Corps Corps Navigable Water Study US Geological Survey Hydrologic Atlas USGS NHD Data

☐ USGS 8 and 12 digit HUC Maps

Superior 7.5-Minute Quadrangle

Scale and Quad Name:

US Geological Survey Map(s)

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 5A ☐ USDA Nat'l Res Conservation Service Soil Survey Citation: ☐ National Wetlands Inventory Maps Cite Map Name: ☐ State/Local Wetland Inventory Maps ☐ FEMA/FIRM Maps: ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929) ✓ Aerial Photographs (Name and Date): 2019 USDA NAIP Orthophoto Other Photographs (Name and Date): Previous Determinations File No. and Date of Response Letter: ☐ Applicable/Supporting Case Law Citation: ☐ Applicable/Supporting Scientific Literature Citation: Other Information, Please Specify:

Additional Comments to Support JD:

Feature ID:
5B

	May 15, 2020
B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Los Angeles District, File No. Pending	
C. PROJECT LOCATION AND BACKGROUND INFORMATION: Drainage Feature 5B	
State: AZ County/Parish/borough: Pinal County	City: Superior
Center coordinates of site: Lat. 33.30979°N Long111.039659°W	
Name of nearest waterbody: Queen Creek	
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Gila River between Powers Butte and Gillespie Dam	
Name of watershed or Hydrologic Unit Code (HUC): 15050100	
✔ Check if map/diagram of review are and/or potential jurisdictional areas is/are available upon	on request
\Box Check if other sites (e.g, offsite mitigation sites, disposal sites, etc) are associated with this different JD form.	action and are recorded on a
D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):	
✓ Office (Desk) Determination. Date: 05/2020☐ Field Determination. Date(s):	
SECTION II: SUMMARY OF FINDINGS A. RHA SECTION 10 DETERMINATION OF JURISDICTION.	
There Are No "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329 in
the review area.	
Waters subject to the ebb and flow of the tide.	
□ Waters subject to the ebb and flow of the tide.□ Waters are presently used, or have been used in the past, or may be susceptible for use to tr	
 □ Waters subject to the ebb and flow of the tide. □ Waters are presently used, or have been used in the past, or may be susceptible for use to tr B. CWA SECTION 404 DETERMINATION OF JURISDICTION 	ansport interstate or foreign commerce
□ Waters subject to the ebb and flow of the tide.□ Waters are presently used, or have been used in the past, or may be susceptible for use to tr	ansport interstate or foreign commerce
 □ Waters subject to the ebb and flow of the tide. □ Waters are presently used, or have been used in the past, or may be susceptible for use to tree. B. CWA SECTION 404 DETERMINATION OF JURISDICTION There Are No "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 area. 1. Waters of the U.S. 	ansport interstate or foreign commerce
□ Waters subject to the ebb and flow of the tide. □ Waters are presently used, or have been used in the past, or may be susceptible for use to tr B. CWA SECTION 404 DETERMINATION OF JURISDICTION There Are No "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 area. 1. Waters of the U.S. a. Indicate presence of water of U.S. in review area (Check all the apply):	ansport interstate or foreign commerce
 □ Waters subject to the ebb and flow of the tide. □ Waters are presently used, or have been used in the past, or may be susceptible for use to tr B. CWA SECTION 404 DETERMINATION OF JURISDICTION There	ansport interstate or foreign commerce
 □ Waters subject to the ebb and flow of the tide. □ Waters are presently used, or have been used in the past, or may be susceptible for use to tree. B. CWA SECTION 404 DETERMINATION OF JURISDICTION There	ansport interstate or foreign commerce
 □ Waters subject to the ebb and flow of the tide. □ Waters are presently used, or have been used in the past, or may be susceptible for use to tr B. CWA SECTION 404 DETERMINATION OF JURISDICTION There	ansport interstate or foreign commerce
 □ Waters subject to the ebb and flow of the tide. □ Waters are presently used, or have been used in the past, or may be susceptible for use to treat the control of the contro	ansport interstate or foreign commerce
 Waters subject to the ebb and flow of the tide. Waters are presently used, or have been used in the past, or may be susceptible for use to treat the control of the treat the control of the treat to the control of the treat tr	ansport interstate or foreign commerce
 Waters subject to the ebb and flow of the tide. Waters are presently used, or have been used in the past, or may be susceptible for use to treat the control of the U.S. There	ansport interstate or foreign commerce
 □ Waters subject to the ebb and flow of the tide. □ Waters are presently used, or have been used in the past, or may be susceptible for use to treat the susceptible for use the susceptible for use the susceptible for use the susceptible	ansport interstate or foreign commerce
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Waters subject to the ebb and flow of the tide. Waters are presently used, or have been used in the past, or may be susceptible for use to trest. B. CWA SECTION 404 DETERMINATION OF JURISDICTION There Are No "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 area. 1. Waters of the U.S. a. Indicate presence of water of U.S. in review area (Check all the apply): TNWs (new) Wetlands adjacent to TNWs Relatively permanent waters (RPWs) that flow directly or indirectly into TNWs Non-RPWs that flow directly or indirectly into TNWs Wetlands directly abutting RPWs that flow directly or indirectly into TNWs Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs Impoundments of jurisdictional waters Isolated (interstate or intrastate) waters, including isolated wetlands b. Identify (estimate) size of waters of the U.S. in the review area Non-Wetlands waters Linear Feet Width (ft) and/or	ansport interstate or foreign commerce
 Waters subject to the ebb and flow of the tide. Waters are presently used, or have been used in the past, or may be susceptible for use to treat the past of the U.S. in the review area Waters are presently used in the past, or may be susceptible for use to treat the past, or may be susceptible for use to treat the past, or may be susceptible for use to treat the past, or may be susceptible for use to treat the past, or may be susceptible for use to treat the past, or may be susceptible for use to treat the past, or may be susceptible for use to treat the past, or may be susceptible for use to treat the past, or may be susceptible for use to treat the past, or may be susceptible for use to treat the past, or may be susceptible for use to treat the past, or may be susceptible for use to treat the past, or may be susceptible for use to treat the past, or may be susceptible for use to treat the past, or may be susceptible for use to treat the past, or may be susceptible for use to treat the past, or may be susceptible for use the past, or may be susceptible for use the	ansport interstate or foreign commerce 3 CFR part 328) in the review to TNWs

Explain: Drainage is ephemeral and does not qualify as a TNW or RPW. Therefore, this drainage could only be considered jurisdictional if it possessed a significant nexus with a downstream TNW. This drainage does not possess a significant nexus with the downstream TNW.

Feature ID:	
5B	

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatice resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

L.	TNW Identify TNW:	☐ Vegetation
	Summarize rationale supporting determination:	
2.	Wetland adjacent to TNW	
	Summarize rationale supporting conclusion that wetland is "adja	cent"

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions: Watershed Size (sq mi): 49650 Drainage Area (sq mi): 18 Average Annual Rainfall (in): 1.4 (ii) Physical Characteristics: (a) Relationship with TNW ☐ Tributary flows directly to TNW ☐ Tributary flows through 5 tributaries before entering TNW Project waters are 30 (or more) river miles from TNW

APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 30 (or more) river Miles from tributary to RPW: 30 (or more) aerial (straight) miles from tributary to TNW:

Proj	ect waters are	30 (or more)	river Miles	from tributary to	RPW:		
Proj	ect waters are	30 (or more)	aerial (stra	night) miles from tr	ibutary to TNV	V:	
Proj	ect waters are	30 (or more)	aerial (stra	night) miles from tr	ributary to RPV	/ :	
Proj	ect waters cross	or serve as state	boundaries	Explain:			
lden	itify flow route t	o TNW Generall	y to Queen	Creek to East Mari	copa Floodway	to the Gila Riv	er
(b) Genera	al Tributary Cha	racteristics					
Tributa	ary is: Natural		Explain:				
A A A	verage Width (f verage Depth (f verage Side Slop nary tributary su	t): 1 pes: 2:1 bstrate compositi	on (check a	I that apply):			
		Sands $oxedsize$ Co Gravel	ncrete	☐ Muck			
	<u></u>	Substrate - Vegeta	ation Oth	er, Explain:			
		/Stability [e.g., hip		, sloughing banks. None pre		able	
	outary Geometry						
Trik	outary Gradient	(approximate ave	rage slope):	2%			
		neral Flow v events in review Ephemeral.	area/year:				
Other Information	=	•					
Surface Flow is:	Confir	ied	Characte	istics:			
Subsurface Flow:	L		Explain:				
□ Dye (or of	ther) test perfor	med:					
Tributary Has (C	heck all that app	oly):					
✓ Bed and Bar	nks): OHWM Indicate	ors:				
✓ Changes✓ Shelving✓ Vegetati✓ Leaf litte✓ Sedimen✓ Water st	in soil character on matted dowr or disturbed or w t deposition aining	n, bent or absent		Presence of litte Destruction of to Presence of wra Sediment sortin Scour Multiple observ Abrupt change i	errestrial vege ck line g ed or predicted	l flow events	
Other (lis							
Discontinuo	ous? Explain:						

If factors other than the OHWN were used to determine lateral extent of CWA jurisdiction (Check all that apply)

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **5B** High tide line indicated by: Mean High water Mark indicated by: oil or scum line along shore objects survey to available datum fine shell or debris deposits (foreshore) physical markings physical markings/characteristics vegetation lines/changes in vegetation types \square other (iii) Chemical Characteristics: Characterize Tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc): Explain: Identify Specific Pollutants, if known: (iv) Biological Characteristics. Channel supports (check all that apply): Riparian Corridor Characteristics: Wetland Fringe Characteristics: Habitat for: Federally Listed Species Explain findings: Fish/Spawn Areas Explain findings: Other environmentally -sensitive species Explain findings: Aquatic/Wildlife diversity Explain: 2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW (i) Physical Characteristics: (a) General Wetland Characteristics Properties: Wetland Size (ac): Wetland Type, Explain: Wetland Quality, Explain: Project Wetlands Cross or Serve as State Boundaries, Explain: (b) General Flow Relationship with Non-TNW: Wetland Flow is: Explain: Surface Flow is: Characteristics: Subsurface Flow: Explain Findings: (c) Wetland Adjacency Determination with Non-TNW: Wetland Directly Abutting Non-TNW Discrete wetland hydrologic connection Explain: Ecological connection Explain: Separated by berm/barrier Explain:

(d) Proximity (Relationship) to TNW

Flow is From:

Project Wetlands: River Miles from TNW: Project Wetlands: Aerial Miles from TNW:

Estimate approximate Location of Wetland within Floodplain:

Feature ID:	
5B	

3.

Characteriz characterist	e wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed
Explain	.tes. cet.j.
ldentify spe	cific pollutants, if know:
iii) Biological (Characteristics. Wetland supports (check all that apply):
Riparia	an Buffer Characteristics (type, average width):
Vegeta	ation type/percent cover. Explain:
Habitat fo	r:
Fede	erally Listed Species Explain:
Fish	/Spawn Areas Explain:
Oth	er environmentally-sensitive species Explain:
☐ Aqu	atic/Wildlife Diversity Explain:
Characteristic	s of all wetlands adjacent to the tributary (if any)
All wetland(s) being considered in cumulative analysis:
Wetland acr	es in total being considered in cumulative analysis:
Describe eac	h wetland (directly abuts tributary?; size in acres; overall biological, chemical or physical functions):

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- •Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent welands, then go to SectionIII.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

Feature ID:

ETERMINATIONS OF JURISDICTIONAL	FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY
1. TNWs and Adjacent Wetlands. Check	ck all that apply and provide size estimates in review area:
☐ TNWs Linear Feet:	Width (ft): TNW Acres
☐ Wetlands adjacent to TNWs: Acres:	:
2. RPWs that flow directly or indirectly i	into TNWs
☐ Tributaries of TNWs where tributari that tributary is perennial:	ies typically flow year-round are jurisdictional. Provide data and Rationale indicating
	es have continuous flow "seasonally" (e.g., typically three months each year) are conclusion is provided at Section III.B. Provide rationale indicating that tributary
Provide estimates for jurisdiction	nal waters in the review are (check all that apply):
☐ Tributary waters	Linear Feet: Width (Ft).
\square Other non-wetland waters:	Acres:
3. Non-RPWs that flow directly or indire	ectly into TNWs.
Length (Linear Feet):	Width (feet): Acres:
4. Wetlands directly abutting an RPW th	
☐ Wetlands directly abut RPW and the ☐ Wetlands directly abutting an RI	
 □ Wetlands directly abut RPW and the □ Wetlands directly abutting an RI indicating that tributary is perenabutting and RPW: □ Wetlands directly abutting an RI 	hat flow directly or indirectly into TNWs. The substitution of th
 □ Wetlands directly abut RPW and the □ Wetlands directly abutting an RI indicating that tributary is perenabutting and RPW: □ Wetlands directly abutting an RI is seasonal in Section III.B and ra 	hat flow directly or indirectly into TNWs. The same jurisdictional as adjacent wetlands. The where tributaries typically flow year-round. Provide data and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly where tributaries typically flow "Seasonally". Provide data indicating that tributationale in Section III.D.2 above. Provide rationale indicating that wetland is directly
 □ Wetlands directly abut RPW and the □ Wetlands directly abutting an RI indicating that tributary is perenabutting and RPW: □ Wetlands directly abutting an RI is seasonal in Section III.B and raabutting and RPW Provide acreage estimates for jurisdiction 	hat flow directly or indirectly into TNWs. The same jurisdictional as adjacent wetlands. The where tributaries typically flow year-round. Provide data and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly where tributaries typically flow "Seasonally". Provide data indicating that tributationale in Section III.D.2 above. Provide rationale indicating that wetland is directly
 □ Wetlands directly abut RPW and the Wetlands directly abutting an RI indicating that tributary is perenabutting and RPW: □ Wetlands directly abutting an RI is seasonal in Section III.B and raabutting and RPW Provide acreage estimates for jurisdictions. 5. Wetlands adjacent to but not directly wetlands that do not directly abut 	hat flow directly or indirectly into TNWs. The same jurisdictional as adjacent wetlands. The where tributaries typically flow year-round. Provide data and rationale innial in Section III.D.2, above. Provide rationale indicating that wetland is directly into the wetland is directly ationale in Section III.D.2 above. Provide rationale indicating that wetland is directly into ational wetland in the review area: Acres: Y abutting an RPW that flow directly or indirectly into TN than RPW, but when considered in combination with the tributary to which they are diadjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data
 □ Wetlands directly abut RPW and the Wetlands directly abutting an RI indicating that tributary is perenabutting and RPW: □ Wetlands directly abutting an RI is seasonal in Section III.B and raabutting and RPW Provide acreage estimates for jurisdictions. 5. Wetlands adjacent to but not directly wetlands that do not directly abut adjacent and with similarly situated. 	hat flow directly or indirectly into TNWs. The series of purisdictional as adjacent wetlands. The series of purisdictional as adjacent wetlands adjacent wetland is directly or indirectly into TN and adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data deed at Section III.C.
 □ Wetlands directly abut RPW and the lindicating that tributary is perenabutting and RPW: □ Wetlands directly abutting an RI is seasonal in Section III.B and raabutting and RPW Provide acreage estimates for jurisdictions. 5. Wetlands adjacent to but not directly abut adjacent and with similarly situated supporting this conclusion is provided. 	hat flow directly or indirectly into TNWs. The strict of
 □ Wetlands directly abut RPW and the lindicating that tributary is perenabutting and RPW: □ Wetlands directly abutting an RI is seasonal in Section III.B and raabutting and RPW Provide acreage estimates for jurisdict 5. Wetlands adjacent to but not directly abut adjacent and with similarly situated supporting this conclusion is provide Provide acreage estimates for jurisdict 6. Wetlands adjacent to such waters, and 	hat flow directly or indirectly into TNWs. The strict of

E. ISOLATED WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE

Demonstration of Jurisdiction:

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **5B** Supporting rationale: Length (linear feet): Acres: F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS: Non-Jurisdictional Waters: Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain finding of no Significant Nexus: The characteristics of the surface water features within the current Analysis Area and the flowpath to the TNW eliminate the potential for a more than insubstantial hydrologic connection to exist between the Analysis Area and the downgradient TNW. The surface water features within the current Analysis Area do not either contribute or filter pollutants, or contribute sediments at an amount or frequency that would affect the chemical or physical integrity of the downstream TNW. They do not provide significant habitat or life cycle support functions for any species population found within the TNW, do not affect the aquatic habitat of or the amount of nutrient transport to the TNW reach of the Gila River, and do not have a more than insubstantial effect on the biological integrity of this TNW. As such, there is no significant nexus between the surface water features within the current Analysis Area and the downgradient TNW and, as such, these features are not a jurisdictional Waters. Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply): Non wetland-Waters (i.e., rivers, streams): linear feet : width (ft): ☐ Other Non-wetland Waters MBR acres: acres: Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply): ✓ Non-wetland waters 654.77 linear feet (ft), 3.70 width (ft) Other waters acres Wetlands acres **SECTION IV: DATA SOURCES** A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below): ✓ Maps, Plans, Plots or Plat Submitted by Applicant/Consultant: WestLand Resources, Inc. Data Sheets Prepared/Submitted by or on behalf of Applicant/Consultant Office Concurs with data sheets/delineation report Office Does Not Concur with data sheets/delineation report Data Sheets Prepared by the Corps Corps Navigable Water Study US Geological Survey Hydrologic Atlas USGS NHD Data ☐ USGS 8 and 12 digit HUC Maps

US Geological Survey Map(s)

Superior 7.5-Minute Quadrangle

Scale and Quad Name:

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 5B ☐ USDA Nat'l Res Conservation Service Soil Survey Citation: ☐ National Wetlands Inventory Maps Cite Map Name: ☐ State/Local Wetland Inventory Maps ☐ FEMA/FIRM Maps: ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929) Aerial Photographs (Name and Date): 2019 USDA NAIP Orthophoto Other Photographs (Name and Date): Previous Determinations File No. and Date of Response Letter: ☐ Applicable/Supporting Case Law Citation: ☐ Applicable/Supporting Scientific Literature Citation: Other Information, Please Specify:

Additional Comments to Support JD:

Featur	e ID:	
5C		

Thi

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (.	D): May 15, 2020
B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Los Angeles District, File No. Pend	ling
C. PROJECT LOCATION AND BACKGROUND INFORMATION: Drainage Feature 5C	
State: AZ County/Parish/borough: Pinal County	City: Superior
Center coordinates of site: Lat. 33.30979°N Long111.039659°W	
Name of nearest waterbody: Queen Creek	
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flow Gila River between Powers Butte and Gillespie Dam	5:
Name of watershed or Hydrologic Unit Code (HUC): 15050100	
✓ Check if map/diagram of review are and/or potential jurisdictional areas is/are availabl	e upon request
\Box Check if other sites (e.g, offsite mitigation sites, disposal sites, etc) are associated with different JD form.	n this action and are recorded on a
D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):	
✓ Office (Desk) Determination. Date: 05/2020☐ Field Determination. Date(s):	
SECTION II: SUMMARY OF FINDINGS	
A. RHA SECTION 10 DETERMINATION OF JURISDICTION.	
There Are No	
There Are No "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction the review area. Waters subject to the ebb and flow of the tide. Waters are presently used, or have been used in the past, or may be susceptible for use B. CWA SECTION 404 DETERMINATION OF JURISDICTION	to transport interstate or foreign commerc
There Are No "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdictive the review area. Waters subject to the ebb and flow of the tide. Waters are presently used, or have been used in the past, or may be susceptible for use B. CWA SECTION 404 DETERMINATION OF JURISDICTION There Are No "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined area.	to transport interstate or foreign commerc
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There Are No "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdictive the review area. Waters subject to the ebb and flow of the tide. Waters are presently used, or have been used in the past, or may be susceptible for use B. CWA SECTION 404 DETERMINATION OF JURISDICTION There Are No "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined area.	to transport interstate or foreign commerce
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There Are No "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdict the review area. Waters subject to the ebb and flow of the tide. Waters are presently used, or have been used in the past, or may be susceptible for use B. CWA SECTION 404 DETERMINATION OF JURISDICTION There Are No "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined area. 1. Waters of the U.S. a. Indicate presence of water of U.S. in review area (Check all the apply): TNWs (new) Wetlands adjacent to TNWs Relatively permanent waters (RPWs) that flow directly or indirectly into TNWs Non-RPWs that flow directly or indirectly into TNWs Wetlands directly abutting RPWs that flow directly or indirectly or indirectly Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs Impoundments of jurisdictional waters Isolated (interstate or intrastate) waters, including isolated wetlands	to transport interstate or foreign commerce by 33 CFR part 328) in the review
There Are No "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdict the review area. Waters subject to the ebb and flow of the tide. Waters are presently used, or have been used in the past, or may be susceptible for use. B. CWA SECTION 404 DETERMINATION OF JURISDICTION There Are No "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined area. 1. Waters of the U.S. a. Indicate presence of water of U.S. in review area (Check all the apply): TNWs (new) Wetlands adjacent to TNWs Relatively permanent waters (RPWs) that flow directly or indirectly into TNWs Non-RPWs that flow directly or indirectly into TNWs Wetlands directly abutting RPWs that flow directly or indirectly into TNWs Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs Impoundments of jurisdictional waters Isolated (interstate or intrastate) waters, including isolated wetlands b. Identify (estimate) size of waters of the U.S. in the review area	to transport interstate or foreign commerce by 33 CFR part 328) in the review

Explain: Drainage is ephemeral and does not qualify as a TNW or RPW. Therefore, this drainage could only be considered jurisdictional if it possessed a significant nexus with a downstream TNW. This drainage does not possess a

significant nexus with the downstream TNW.

ED_013248_00000874-00093

Feature ID:	
5C	

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatice resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1.	TNW Identify TNW:	☐ Vegetation
	Summarize rationale supporting determination:	
2.	Wetland adjacent to TNW	
	Summarize rationale supporting conclusion that wetland is "adjac	cent"

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions: Watershed Size (sq mi): 49650 Drainage Area (sq mi): 18 Average Annual Rainfall (in): 1.4 (ii) Physical Characteristics: (a) Relationship with TNW ☐ Tributary flows directly to TNW ☐ Tributary flows through 5 tributaries before entering TNW Project waters are 30 (or more) river miles from TNW

5C
NW:
PW:
ay to the Gila River
Stable

Tributary Has (Check all that apply):

.//	Red	and	Ran	kc

Water staining

✓ OHWM (check all the apply): OHWM Indicators:

☐ Clear, natural line impressed on the bank	Presence of litter and debris
✓ Changes in soil character	Destruction of terrestrial vegetation
☐ Shelving	Presence of wrack line
✓ Vegetation matted down, bent or absent	✓ Sediment sorting
✓ Leaf litter disturbed or washed away	Scour
✓ Sediment deposition	Multiple observed or predicted flow events

Other (list): ☐ Discontinuous? Explain:

If factors other than the OHWN were used to determine lateral extent of CWA jurisdiction (Check all that apply)

☐ Abrupt change in plant community

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 5C High tide line indicated by: Mean High water Mark indicated by: oil or scum line along shore objects survey to available datum fine shell or debris deposits (foreshore) physical markings physical markings/characteristics vegetation lines/changes in vegetation types \square other (iii) Chemical Characteristics: Characterize Tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc): Explain: Identify Specific Pollutants, if known: (iv) Biological Characteristics. Channel supports (check all that apply): Riparian Corridor Characteristics: Wetland Fringe Characteristics: Habitat for: Federally Listed Species Explain findings: Fish/Spawn Areas Explain findings: Other environmentally -sensitive species Explain findings: Aquatic/Wildlife diversity Explain: 2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW (i) Physical Characteristics: (a) General Wetland Characteristics Properties: Wetland Size (ac): Wetland Type, Explain: Wetland Quality, Explain: Project Wetlands Cross or Serve as State Boundaries, Explain: (b) General Flow Relationship with Non-TNW: Wetland Flow is: Explain: Surface Flow is: Characteristics: Subsurface Flow: Explain Findings: (c) Wetland Adjacency Determination with Non-TNW: Wetland Directly Abutting Non-TNW Discrete wetland hydrologic connection Explain: Ecological connection Explain: Separated by berm/barrier Explain: (d) Proximity (Relationship) to TNW

Project Wetlands: River Miles from TNW: Project Wetlands: Aerial Miles from TNW:

Estimate approximate Location of Wetland within Floodplain:

Flow is From:

Feature	ID:
5C	

3.

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; ect.).
Explain Identify specific pollutants, if know:
iii) Biological Characteristics. Wetland supports (check all that apply):
Riparian Buffer Characteristics (type, average width):
☐ Vegetation type/percent cover. Explain:
Habitat for:
Federally Listed Species Explain:
Fish/Spawn Areas Explain:
Other environmentally-sensitive species Explain:
Aquatic/Wildlife Diversity Explain:
Characteristics of all wetlands adjacent to the tributary (if any)
All wetland(s) being considered in cumulative analysis:
Wetland acres in total being considered in cumulative analysis:
Describe each wetland (directly abuts tributary?; size in acres; overall biological, chemical or physical functions):

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- •Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent welands, then go to SectionIII.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

Feature ID:

ETERMINATIONS	OF JURISDICTIC	NAL FIND	INGS. THE SUBJ	ECT WATERS	/WETLAND	S ARE (CHEC	K ALL THAT APPL
1. TNWs and Adja	icent Wetlands.	Check all th	hat apply and pro	vide size estim	nates in revie	w area:	
□ TNWs	Linear Feet:		Width (ft):	TN	W Acres		
\square Wetlands ad	jacent to TNWs: /	Acres:					
2. RPWs that flow	w directly or indire	ectly into Ti	NWs				
	of TNWs where tri	butaries typ	pically flow year-r	ound are jurise	dictional. Pro	vide data and	l Rationale indicatin
	of TNW where trib II. Data supporting nally:			-		-	
Provide ε	estimates for juriso	dictional wa	aters in the reviev	v are (check all	that apply):		
☐ Tribu'	tary waters		Linear Feet:	Wic	lth (Ft).		
Other	r non-wetland wat	ters: Ac	res:				
with a TNW i Provide estima	is jurisdictional. Date tes of jurisdiction	ata support al waters wi	ing this conclusio ithin the review a	•	section III.c. that apply):		
with a TNW i Provide estima	tes of jurisdiction	ata support al waters wi	ing this conclusio ithin the review a	n provided at	section III.c. that apply):		
with a TNW i Provide estima Length (Linea	tes of jurisdictiona ar Feet):	ata support al waters wi	ing this conclusio ithin the review a Width (feet):	n provided at stree (check all	section III.c. that apply): Acres:		
with a TNW i Provide estima Length (Lines 4. Wetlands direct	tes of jurisdictions ar Feet): ctly abutting an R	ata support al waters wi \ PW that flo	ing this conclusio ithin the review a Width (feet): ow directly or ind	n provided at sirea (check all sirea fine)	section III.c. that apply): Acres:		
with a TNW in Provide estima Length (Lines 4. Wetlands direction Wetlands direction Wetlands direction	tes of jurisdictiona ar Feet):	ata supporti al waters wi N PW that flo nd thus are g an RPW w	ing this conclusion ithin the review as Width (feet): www.directly.or.indictional as the individual in the individual individual in the individual in the individual ind	n provided at strea (check all streatly into TN adjacent wetland)	section III.c. that apply): Acres: Ws. inds. ear-round. P	rovide data ar	nd rationale
with a TNW in Provide estimated Length (Lines) 4. Wetlands directly Wetlands directly indicating abutting Wetland is season	tes of jurisdictions ar Feet): ctly abutting an Riversery abut RPW and strictly abutting and that tributary is and RPW: Is directly abutting and RPW:	ata support al waters wi PW that flo nd thus are g an RPW w perennial in	ing this conclusion ithin the review a Width (feet): www directly or indicate jurisdictional as where tributaries to a Section III.D.2, a where tributaries to the section III.D.2, a where III.D.2,	n provided at sirea (check all sirectly into TN adjacent wetla ypically flow yeabove. Provide	section III.c. that apply): Acres: Ws. ands. ear-round. Propertional incomments. Seasonally".	rovide data ar dicating that v Provide data	nd rationale
with a TNW in Provide estima Length (Linear Length) 4. Wetlands directly Wetlands directly discontinuous abutting Wetland indicating abutting Wetland is season abutting	tes of jurisdictions ar Feet): ctly abutting an Rivertly abut RPW also directly abutting at that tributary is and RPW: Is directly abutting and RPW:	ata supporti al waters wi PW that flo nd thus are g an RPW w perennial in g an RPW w and rationa	ing this conclusion ithin the review a Width (feet): www.directly.or.ind in jurisdictional as there tributaries to a Section III.D.2, a where tributaries to the tributaries to the section III.D.2.	n provided at sirea (check all sirectly into TN adjacent wetla ypically flow yeabove. Provide ypically flow "5.2 above. Prov	section III.c. that apply): Acres: Ws. ands. ear-round. Propertional incomments. Seasonally".	rovide data ar dicating that v Provide data	nd rationale vetland is directly indicating that tribu
with a TNW in Provide estima Length (Linear Length) 4. Wetlands directly Wetlands directly discontinuous abutting Wetland indicating abutting Wetland is season abutting	tes of jurisdictions ar Feet): ctly abutting an Rivertly abut RPW also directly abutting that tributary is and RPW: Is directly abutting and in Section III.But and RPW age estimates for jurisdirectly abutting and RPW	ata supporti al waters wi PW that flo nd thus are g an RPW w perennial in g an RPW w and rationa	ing this conclusion ithin the review a Width (feet): www.directly.or.indictional as there tributaries to a Section III.D.2, a where tributaries there are tributaries the are	n provided at sirea (check all sirectly into TN adjacent wetla ypically flow yeabove. Provide ypically flow "5.2 above. Provide ceview area:	section III.c. that apply): Acres: Ws. ands. ear-round. Provide rationale incompleted inco	rovide data ar dicating that v Provide data indicating tha	nd rationale vetland is directly indicating that tribu
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with a TNW in Provide estima Length (Lines 4. Wetlands direct Wetlands direct Wetlands indicating abutting Provide acrea 5. Wetlands adjacent an supporting	tes of jurisdictions ar Feet): ctly abutting an Rivertly abut RPW als directly abutting get that tributary is and RPW: Is directly abutting and in Section III.But and RPW age estimates for jucent to but not dinat do not directly abutth similarly sind with similarly sind.	ata supporti al waters wi PW that flo nd thus are g an RPW w perennial in g an RPW w and rationa urisdictiona urisdictiona urisdictiona trectly abut y abut an RP tuated adja provided at	ing this conclusion ithin the review a Width (feet): www directly or individual as there tributaries the section III.D.2, a wetland in the reting an RPW that PW, but when concent wetlands, has section III.C.	n provided at sirea (check all sirea (check all sireatly into TN adjacent wetlatypically flow yeabove. Provide ypically flow "5.2 above. Provide sidered in contave a significant area."	section III.c. that apply): Acres: Ws. inds. ear-round. Provide a rationale independent in	rovide data ar dicating that v Provide data indicating tha into TN th the tributar	nd rationale vetland is directly indicating that tribu at wetland is directly
with a TNW in Provide estima Length (Lines 4. Wetlands direct Wetlands direct Wetlands indicating abutting Provide acrea 5. Wetlands adjacent an supporting	tes of jurisdictions ar Feet): ctly abutting an Rivertly abut RPW als directly abutting and RPW: Is directly abutting and RPW: Is directly abutting and in Section III.But and RPW age estimates for justing that do not directly abutting and RPW are estimates for justing this conclusion is the estimates for justing and RPW.	PW that flo PW that flo nd thus are g an RPW w perennial in g an RPW w and rationa urisdictional rectly abute abut an RP tuated adja provided at risdictional	ing this conclusion ithin the review a Width (feet): www directly or indicate jurisdictional as where tributaries to a Section III.D.2, a wetland in the recent wetlands, has section III.C. wetland in the recent wetland	n provided at sirea (check all sirea (ch	section III.c. that apply): Acres: Ws. ands. ear-round. Prationale incompleted	rovide data ar dicating that v Provide data indicating tha into TN th the tributar	nd rationale vetland is directly indicating that tribu at wetland is directly
with a TNW in Provide estima Length (Lines 4. Wetlands direct Wetlands dindicating abutting Wetland is season abutting Provide acreas 5. Wetlands adjacent an supporting Provide acreas 6. Wetlands adjacent and with similar wetlands adjacent with wetlands adjacent with similar wetlands adjacent with wetlan	tes of jurisdictions ar Feet): ctly abutting an Rivertly abut RPW als directly abutting and RPW: Is directly abutting and RPW: Is directly abutting and RPW: Is directly abutting and in Section III.But and RPW age estimates for jurity abutting and RPW and RPW and RPW are estimates for jurity at this conclusion is the estimates for jurity and represent to such water control such water are resulted as a such as	PW that flo nd thus are g an RPW w perennial in g an RPW w and rationa urisdictiona rectly abute abut an RP tuated adja provided at risdictional that flow di rs, and have ent wetland	ing this conclusion ithin the review a Width (feet): www directly or individual as there tributaries to a Section III.D. 2, a shere tributaries to all in Section III.D all wetland in the recent wetlands, has section III.C. wetland in the recent when considered when considered when considered when considered when considered with the recent wetland in the recent wetland in the recent when considered with the considered when considered with the considered when considered with the considered wi	n provided at sirea (check all sirea (check all sirectly into TN adjacent wetlad ypically flow yeabove. Provided ypically flow "S.2 above. Provided above. Provided as a significant wiew area: If I will be a significant wiew area: It will into TNWs. It into TNWs. It in combinations	section III.c. that apply): Acres: Ws. ands. ear-round. Preside rationale inderestionale Acres: or indirectly abination with acres: on with the terms.	rovide data ar dicating that w Provide data indicating that into TN th the tributar a TNW are ju	nd rationale vetland is directly indicating that tribu at wetland is directly

E. ISOLATED WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE

Demonstration of Jurisdiction:

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 5C Supporting rationale: Length (linear feet): Acres: F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS: Non-Jurisdictional Waters: Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain finding of no Significant Nexus: The characteristics of the surface water features within the current Analysis Area and the flowpath to the TNW eliminate the potential for a more than insubstantial hydrologic connection to exist between the Analysis Area and the downgradient TNW. The surface water features within the current Analysis Area do not either contribute or filter pollutants, or contribute sediments at an amount or frequency that would affect the chemical or physical integrity of the downstream TNW. They do not provide significant habitat or life cycle support functions for any species population found within the TNW, do not affect the aquatic habitat of or the amount of nutrient transport to the TNW reach of the Gila River, and do not have a more than insubstantial effect on the biological integrity of this TNW. As such, there is no significant nexus between the surface water features within the current Analysis Area and the downgradient TNW and, as such, these features are not a jurisdictional Waters. Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply): Non wetland-Waters (i.e., rivers, streams): linear feet : width (ft): ☐ Other Non-wetland Waters MBR acres: acres: Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply): ✓ Non-wetland waters 531.82 linear feet (ft), 4.86 width (ft) Other waters acres Wetlands acres **SECTION IV: DATA SOURCES** A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below): ✓ Maps, Plans, Plots or Plat Submitted by Applicant/Consultant: WestLand Resources, Inc. Data Sheets Prepared/Submitted by or on behalf of Applicant/Consultant Office Concurs with data sheets/delineation report Office Does Not Concur with data sheets/delineation report Data Sheets Prepared by the Corps Corps Navigable Water Study US Geological Survey Hydrologic Atlas USGS NHD Data ☐ USGS 8 and 12 digit HUC Maps

US Geological Survey Map(s)

Superior 7.5-Minute Quadrangle

Scale and Quad Name:

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 5C ☐ USDA Nat'l Res Conservation Service Soil Survey Citation: ☐ National Wetlands Inventory Maps Cite Map Name: ☐ State/Local Wetland Inventory Maps ☐ FEMA/FIRM Maps: ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929) Aerial Photographs (Name and Date): 2019 USDA NAIP Orthophoto Other Photographs (Name and Date): Previous Determinations File No. and Date of Response Letter: ☐ Applicable/Supporting Case Law Citation: ☐ Applicable/Supporting Scientific Literature Citation: Other Information, Please Specify:

Additional Comments to Support JD:

Fea	ture ID	•	
6			

	JRISDICTIO	NAL DETERMINAT	TION (JD):	May 15	, 2020	
B. DISTRICT OFFICE, FILE NAME, AND NUMBER:	Los Angel	es District, File No	o. Pending			
C. PROJECT LOCATION AND BACKGROUND INFOR	MATION:	Drainage Feature	e 6			
State: AZ County/Parish/borough:	Pinal Coun	ty		City:	Superior	
Center coordinates of site: Lat. 33.30979°N	Lor	ıg111.039659°W	1			
Name of nearest waterbody: Queen Creek						
Name of nearest Traditional Navigable Water (TNW Gila River between Powers Butte and Gillespie	***************************************	the aquatic resourc	ce flows:			
Name of watershed or Hydrologic Unit Code (HUC):	150	050100				
 Check if map/diagram of review are and/or pote Check if other sites (e.g, offsite mitigation sites, of different JD form. 	•	•	•	•	are recorded	l on a
D. REVIEW PERFORMED FOR SITE EVALUATION (C	HECK ALL T	HAT APPLY):				
✓ Office (Desk) Determination. Date: 05/2020☐ Field Determination. Date(s):						
<u>SECTION II: SUMMARY OF FINDINGS</u> A. RHA SECTION 10 DETERMINATION OF JURISD	ICTION.					
There Are No "navigable waters of the U.S." within the review area. Waters subject to the ebb and flow of the tide. Waters are presently used, or have been used in the tide. B. CWA SECTION 404 DETERMINATION OF JURIS	the past, or r	, ,	·		•	
There Are No "waters of the U.S." within Clean Waarea.	ater Act (CW	A) jurisdiction (as d	efined by 33	CFR part 3	328) in the rev	/iew
1. Waters of the U.S.	(Ch)	all Ab a annibile				
a. Indicate presence of water of U.S. in review TNWs (new) Wetlands adjacent to TNWs Relatively permanent waters (RPWs) that f Non-RPWs that flow directly or indirectly ir Wetlands directly abutting RPWs that flow Wetlands adjacent to but not directly abutting Wetlands adjacent to non-RPWs that flow	low directly nto TNWs v directly or ting RPWs th directly or in	or indirectly into TN indirectly into TNW lat flow directly or i directly into TNWs	's	o TNWs		
☐ Impoundments of jurisdictional waters ☐ Isolated (interstate or intrastate) waters, ir	icluding isola					
Impoundments of jurisdictional waters	•	w area				
☐ Impoundments of jurisdictional waters ☐ Isolated (interstate or intrastate) waters, in	in the revie		(ft) and/or		Acres	
 Impoundments of jurisdictional waters Isolated (interstate or intrastate) waters, ir b. Identify (estimate) size of waters of the U.S. 	in the revie		(ft) and/or		Acres	

jurisdictional if it possessed a significant nexus with a downstream TNW. This drainage does not possess a significant nexus with the downstream TNW.

Feature ID:	
6	

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatice resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

2.	Wetland adjacent to TNW	
	Summarize rationale supporting determination:	
L.	Identify TNW:	☐ Vegetation

Summarize rationale supporting conclusion that wetland is "adjacent"

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 6 Project waters are 30 (or more) river Miles from tributary to RPW: Project waters are 30 (or more) aerial (straight) miles from tributary to TNW: Project waters are 30 (or more) aerial (straight) miles from tributary to RPW: Project waters cross or serve as state boundaries. Explain: Identify flow route to TNW Generally to Queen Creek to East Maricopa Floodway to the Gila River (b) General Tributary Characteristics Tributary is: Natural Explain: Tributary properties with respect to top of bank (estimate): Average Width (ft): 3.87 Average Depth (ft): 1 Average Side Slopes: 2:1 Primary tributary substrate composition (check all that apply): Sands Concrete Cobbles Gravel ☐ Bedrock ☐ Substrate - Vegetation Other, Explain: Tributary Condition/Stability [e.g., highly eroding, sloughing banks. Explain: Stable Presence of Run/Riffle/Pool Complexes. Explain: None present. Tributary Geometry: Relatively Straight Tributary Gradient (approximate average slope): 2% (c) Flow: Tributary Provides for: **Ephemeral Flow** Estimate average number of flow events in review area/year: Describe Flow Regime: Ephemeral. Other Information on Duration and Volume: Surface Flow is: Confined Characteristics: Subsurface Flow: No Explain: Dye (or other) test performed: Tributary Has (Check all that apply): ✓ Bed and Banks OHWM (check all the apply): OHWM Indicators: Clear, natural line impressed on the bank Presence of litter and debris Changes in soil character Destruction of terrestrial vegetation Presence of wrack line Shelving Sediment sorting ✓ Vegetation matted down, bent or absent

If factors other than the OHWN were used to determine lateral extent of CWA jurisdiction (Check all that apply)

Scour

Multiple observed or predicted flow events

Abrupt change in plant community

Leaf litter disturbed or washed away

Explain:

Sediment depositionWater staining

Other (list):

Discontinuous?

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 6 High tide line indicated by: Mean High water Mark indicated by: oil or scum line along shore objects survey to available datum fine shell or debris deposits (foreshore) physical markings physical markings/characteristics vegetation lines/changes in vegetation types \square other (iii) Chemical Characteristics: Characterize Tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc): Explain: Identify Specific Pollutants, if known: (iv) Biological Characteristics. Channel supports (check all that apply): Riparian Corridor Characteristics: Wetland Fringe Characteristics: Habitat for: Federally Listed Species Explain findings: Fish/Spawn Areas Explain findings: Other environmentally -sensitive species Explain findings: Aquatic/Wildlife diversity Explain: 2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW (i) Physical Characteristics: (a) General Wetland Characteristics Properties: Wetland Size (ac): Wetland Type, Explain: Wetland Quality, Explain: Project Wetlands Cross or Serve as State Boundaries, Explain: (b) General Flow Relationship with Non-TNW: Wetland Flow is: Explain: Surface Flow is: Characteristics: Subsurface Flow: Explain Findings: (c) Wetland Adjacency Determination with Non-TNW: Wetland Directly Abutting Non-TNW Discrete wetland hydrologic connection Explain: Ecological connection Explain: Separated by berm/barrier Explain: (d) Proximity (Relationship) to TNW Project Wetlands: River Miles from TNW: Project Wetlands: Aerial Miles from TNW:

Flow is From:

Estimate approximate Location of Wetland within Floodplain:

Feat	ure ID:
6	

3.

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershe characteristics; ect.).
Explain
Identify specific pollutants, if know:
iii) Biological Characteristics. Wetland supports (check all that apply):
Riparian Buffer Characteristics (type, average width):
☐ Vegetation type/percent cover. Explain:
Habitat for:
☐ Federally Listed Species Explain:
Fish/Spawn Areas Explain:
Other environmentally-sensitive species Explain:
Aquatic/Wildlife Diversity Explain:
Characteristics of all wetlands adjacent to the tributary (if any)
All wetland(s) being considered in cumulative analysis:
Wetland acres in total being considered in cumulative analysis:
Describe each wetland (directly abuts tributary?; size in acres; overall biological, chemical or physical functions):

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- •Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent welands, then go to SectionIII.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

Feature ID:

ETERMINATIONS OF JURISDICTIONAL F	INDINGS. THE SOBJECT	(0
1. TNWs and Adjacent Wetlands. Check	all that apply and provide	e size estimates in review area:
☐ TNWs Linear Feet:	Width (ft):	TNW Acres
☐ Wetlands adjacent to TNWs: Acres:		
2. RPWs that flow directly or indirectly in	nto TNWs	
Tributaries of TNWs where tributaries that tributary is perennial:	es typically flow year-roun	d are jurisdictional. Provide data and Rationale indicatir
		easonally" (e.g., typically three months each year) are ection III.B. Provide rationale indicating that tributary
Provide estimates for jurisdiction	al waters in the review are	e (check all that apply):
Tributary waters	Linear Feet:	Width (Ft).
\Box Other non-wetland waters:	Acres:	
3. Non-RPWs that flow directly or indirect	tly into TNIWs	
with a TNW is jurisdictional. Data sup Provide estimates of jurisdictional wate Length (Linear Feet): 4. Wetlands directly abutting an RPW that	ers within the review area Width (feet): at flow directly or indirect	(check all that apply): Acres: tly into TNWs.
Provide estimates of jurisdictional water Length (Linear Feet): 4. Wetlands directly abutting an RPW that Wetlands directly abut RPW and thu Wetlands directly abutting an RP indicating that tributary is perent	ers within the review area Width (feet): at flow directly or indirect s are jurisdictional as adja W where tributaries typic	ovided at section III.c. (check all that apply):
Provide estimates of jurisdictional water Length (Linear Feet): 4. Wetlands directly abutting an RPW that Wetlands directly abut RPW and thu Wetlands directly abutting an RP	ers within the review area Width (feet): at flow directly or indirect s are jurisdictional as adja W where tributaries typic	ovided at section III.c. (check all that apply):
Provide estimates of jurisdictional water Length (Linear Feet): 4. Wetlands directly abutting an RPW that Wetlands directly abut RPW and thu Wetlands directly abutting an RP indicating that tributary is perent abutting and RPW: Wetlands directly abutting an RP Wetlands directly abutting an RP	within the review area Width (feet): at flow directly or indirect s are jurisdictional as adjandal with the section III.D.2, about With where tributaries typic with the review area of the section III.D.2, about With where tributaries typic	ovided at section III.c. (check all that apply):
Provide estimates of jurisdictional water Length (Linear Feet): 4. Wetlands directly abutting an RPW that Wetlands directly abut RPW and thu Wetlands directly abutting an RP indicating that tributary is perent abutting and RPW: Wetlands directly abutting an RP is seasonal in Section III.B and ra	within the review area Width (feet): at flow directly or indirect s are jurisdictional as adja where tributaries typic nial in Section III.D.2, above where tributaries typic tionale in Section III.D.2 al	covided at section III.c. (check all that apply): Acres: tly into TNWs. cent wetlands. ally flow year-round. Provide data and rationale ve. Provide rationale indicating that wetland is directly ally flow "Seasonally". Provide data indicating that tribe cove. Provide rationale indicating that wetland is directly
Provide estimates of jurisdictional water Length (Linear Feet): 4. Wetlands directly abutting an RPW that Wetlands directly abut RPW and thu Wetlands directly abutting an RP indicating that tributary is perent abutting and RPW: Wetlands directly abutting an RP is seasonal in Section III.B and raise abutting and RPW	within the review area Width (feet): at flow directly or indirect s are jurisdictional as adjact where tributaries typic nial in Section III.D.2, abov where tributaries typic tionale in Section III.D.2 al	ovided at section III.c. (check all that apply):
Provide estimates of jurisdictional water Length (Linear Feet): 4. Wetlands directly abutting an RPW that Wetlands directly abut RPW and thut Wetlands directly abutting an RP indicating that tributary is perent abutting and RPW: Wetlands directly abutting an RP is seasonal in Section III.B and rate abutting and RPW Provide acreage estimates for jurisdic S. Wetlands adjacent to but not directly abutting abutting and RPW	within the review area Width (feet): at flow directly or indirect s are jurisdictional as adjact where tributaries typic nial in Section III.D.2, above where tributaries typic tionale in Section III.D.2 al tional wetland in the review abutting an RPW that flow an RPW, but when consider adjacent wetlands, have	covided at section III.c. (check all that apply):
Provide estimates of jurisdictional water Length (Linear Feet): 4. Wetlands directly abutting an RPW that Wetlands directly abutt RPW and thu Wetlands directly abutting an RP indicating that tributary is perent abutting and RPW: Wetlands directly abutting an RP is seasonal in Section III.B and rate abutting and RPW Provide acreage estimates for jurisdicts. Wetlands adjacent to but not directly abutting and with similarly situated.	within the review area Width (feet): at flow directly or indirect s are jurisdictional as adja by where tributaries typic nial in Section III.D.2, above by where tributaries typic tionale in Section III.D.2 al tional wetland in the revie abutting an RPW that flow an RPW, but when consider adjacent wetlands, have a ed at Section III.C.	covided at section III.c. (check all that apply):
Provide estimates of jurisdictional water Length (Linear Feet): 4. Wetlands directly abutting an RPW that Wetlands directly abut RPW and thut Wetlands directly abutting an RP indicating that tributary is perent abutting and RPW: Wetlands directly abutting an RP is seasonal in Section III.B and rate abutting and RPW Provide acreage estimates for jurisdices. Wetlands adjacent to but not directly abutting and RPW wetlands that do not directly abutting adjacent and with similarly situated supporting this conclusion is provided.	within the review area Width (feet): at flow directly or indirect s are jurisdictional as adjact by where tributaries typic mial in Section III.D.2, abov by where tributaries typic tionale in Section III.D.2 al tional wetland in the review an RPW, but when consider adjacent wetlands, have a ed at Section III.C. onal wetland in the review	covided at section III.c. (check all that apply):
Provide estimates of jurisdictional water Length (Linear Feet): 4. Wetlands directly abutting an RPW that Wetlands directly abutting an RP indicating that tributary is perentabutting and RPW: Wetlands directly abutting an RP is seasonal in Section III.B and rate abutting and RPW Provide acreage estimates for jurisdictions. Wetlands that do not directly abutting adjacent and with similarly situated supporting this conclusion is provide Provide acreage estimates for jurisdictions. Wetlands adjacent to non-RPWs that fleeting wetlands adjacent to such waters, and	Width (feet): at flow directly or indirect s are jurisdictional as adjactional in Section III.D.2, above Where tributaries typic tionale in Section III.D.2 alt tionale wetland in the revie abutting an RPW that flow an RPW, but when consider adjacent wetlands, have a ed at Section III.C. onal wetland in the review ow directly or indirectly in have when considered in	covided at section III.c. (check all that apply):

E. ISOLATED WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE

Demonstration of Jurisdiction:

APPROVED JURISDICTIONAL DETERMINATION FORM

Feature ID:

Supporting rationale:		
Length (linear feet):	Acres:	
NON-JURISDICTIONAL WATER	RS, INCLUDING WETLANDS:	
Non-Jurisdictional Waters:	Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction.	
Explain finding of no Significan	The characteristics of the surface water features within the current Analysis Area and the flowpath to the TNW eliminate the potential for a more than insubstantial hydrologic connection to exist between the Analysis Area and the downgradient TNW. The surface water features within the current Analysis Area do not either contribute or filter pollutants, or contribute sediments at an amount or frequency that would affect the chemical or physical integrity of the downstream TNW. They do not provide significant habitat or life cycle support functions for any species population found within the TNW, do not affect the aquatic habitat of or the amount of nutrient transport to the TNW reach of the Gila River, and do not have a more than insubstantial effect on the biological integrity of this TNW. As such, there is no significant nexus between the surface water features within the current Analysis Area and the downgradient TNW and, as such, these features are not a jurisdictional Waters.	
where such a finding is required	MBR acres: on-jurisdictional waters in the review area that do not meet the "Significant Nexus" stall for jurisdiction (check all that apply):	andar
Other Non-wetland Waters Wetlands MBR acres: Provide acreage estimates for newhere such a finding is required Non-wetland waters	MBR acres: on-jurisdictional waters in the review area that do not meet the "Significant Nexus" stal for jurisdiction (check all that apply): 248.91 linear feet (ft), 3.87 width (ft)	andar
☐ Other Non-wetland Waters ☐ Wetlands MBR acres: Provide acreage estimates for nowhere such a finding is required ✔ Non-wetland waters ☐ Other waters	MBR acres: on-jurisdictional waters in the review area that do not meet the "Significant Nexus" stall for jurisdiction (check all that apply): 248.91 linear feet (ft), 3.87 width (ft) acres	andar
Other Non-wetland Waters Wetlands MBR acres: Provide acreage estimates for newhere such a finding is required Non-wetland waters	MBR acres: on-jurisdictional waters in the review area that do not meet the "Significant Nexus" stal for jurisdiction (check all that apply): 248.91 linear feet (ft), 3.87 width (ft)	andar
☐ Other Non-wetland Waters ☐ Wetlands MBR acres: Provide acreage estimates for newhere such a finding is required ✓ Non-wetland waters ☐ Other waters ☐ Wetlands	MBR acres: on-jurisdictional waters in the review area that do not meet the "Significant Nexus" stall for jurisdiction (check all that apply): 248.91 linear feet (ft), 3.87 width (ft) acres	andar
☐ Other Non-wetland Waters ☐ Wetlands MBR acres: Provide acreage estimates for newhere such a finding is required ✓ Non-wetland waters ☐ Other waters ☐ Wetlands ECTION IV: DATA SOURCES A. SUPPORTING DATA. Data revelocked and requested, approprior ✓ Maps, Plans, Plots or Plat Suited ✓ Data Sheets Prepared/Submic Office Concurs with data	on-jurisdictional waters in the review area that do not meet the "Significant Nexus" state of jurisdiction (check all that apply): 248.91 linear feet (ft), acres acres itewed for JD (check all that apply - checked items shall be included in case file and, viately reference sources below): Jubmitted by Applicant/Consultant: WestLand Resources, Inc. hitted by or on behalf of Applicant/Consultant a sheets/delineation report	
Other Non-wetland Waters Wetlands MBR acres: Provide acreage estimates for nowhere such a finding is required Non-wetland waters Other waters Wetlands ECTION IV: DATA SOURCES A. SUPPORTING DATA. Data revelocked and requested, approprior Maps, Plans, Plots or Plat Sulpha Data Sheets Prepared/Subm Office Concurs with data	on-jurisdictional waters in the review area that do not meet the "Significant Nexus" stated for jurisdiction (check all that apply): 248.91 linear feet (ft), acres acres riewed for JD (check all that apply - checked items shall be included in case file and, viately reference sources below): Jubmitted by Applicant/Consultant: WestLand Resources, Inc. Initted by or on behalf of Applicant/Consultant	
Other Non-wetland Waters Wetlands MBR acres: Provide acreage estimates for newhere such a finding is required Non-wetland waters Other waters Wetlands ECTION IV: DATA SOURCES A. SUPPORTING DATA. Data revelocked and requested, approprior Maps, Plans, Plots or Plat Sues Data Sheets Prepared/Subm Office Concurs with data	on-jurisdictional waters in the review area that do not meet the "Significant Nexus" state of purisdiction (check all that apply): 248.91 linear feet (ft), acres acres viewed for JD (check all that apply - checked items shall be included in case file and, viately reference sources below): ubmitted by Applicant/Consultant: WestLand Resources, Inc. nitted by or on behalf of Applicant/Consultant a sheets/delineation report with data sheets/delineation report e Corps day	
□ Other Non-wetland Waters □ Wetlands MBR acres: Provide acreage estimates for nowhere such a finding is required ✓ Non-wetland waters □ Other waters □ Wetlands ECTION IV: DATA SOURCES A. SUPPORTING DATA. Data revelence and requested, approprior ✓ Maps, Plans, Plots or Plat Suice ✓ Data Sheets Prepared/Submice Office Concurs with data □ Office Does Not Concuring □ Data Sheets Prepared by the Corps Navigable Water Studies □ US Geological Survey Hydro	on-jurisdictional waters in the review area that do not meet the "Significant Nexus" stated for jurisdiction (check all that apply): 248.91 linear feet (ft), acres acres diewed for JD (check all that apply - checked items shall be included in case file and, viately reference sources below): ubmitted by Applicant/Consultant: WestLand Resources, Inc. nitted by or on behalf of Applicant/Consultant a sheets/delineation report with data sheets/delineation report e Corps dy logic Atlas	

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 6 ☐ USDA Nat'l Res Conservation Service Soil Survey Citation: ☐ National Wetlands Inventory Maps Cite Map Name: ☐ State/Local Wetland Inventory Maps ☐ FEMA/FIRM Maps: ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929) Aerial Photographs (Name and Date): 2019 USDA NAIP Orthophoto Other Photographs (Name and Date): Previous Determinations File No. and Date of Response Letter: ☐ Applicable/Supporting Case Law Citation: ☐ Applicable/Supporting Scientific Literature Citation: Other Information, Please Specify:

Additional Comments to Support JD:

Feature ID:	
7	

This form should be completed by following	g the instructions p	rovided in Section IV of th	ie JD Form ir	istructional Guidebook.
SECTION I: BACKGROUND INFORMATION DATE FOR A		OTIONIAL DETERMANIATI	(ON) (ID):	M 45 2020
A. REPORT COMPLETION DATE FOR AP				May 15, 2020
B. DISTRICT OFFICE, FILE NAME, AND N	IUMBER: Los A	Angeles District, File No.	Pending	
C. PROJECT LOCATION AND BACKGROU	UND INFORMATION	ON: Drainage Feature	7	
State: AZ County/Parish/b	orough: Pinal	County		City: Superior
Center coordinates of site: Lat. 33	.30979°N	Long111.039659°W		
Name of nearest waterbody: Quee	n Creek			
Name of nearest Traditional Navigable Gila River between Powers Butte		vhich the aquatic resource	e flows:	
Name of watershed or Hydrologic Unit	Code (HUC):	15050100		
Check if map/diagram of review areCheck if other sites (e.g, offsite mitig different JD form.	· · · · · ·			•
D. REVIEW PERFORMED FOR SITE EVAL	LUATION (CHECK	ALL THAT APPLY):		
✓ Office (Desk) Determination. Date:☐ Field Determination. Date(s):	05/2020			
SECTION II: SUMMARY OF FINDINGS A. RHA SECTION 10 DETERMINATION	OF JURISDICTION	۷.		
the review area. Waters subject to the ebb and flow of Waters are presently used, or have be	f the tide. een used in the pas	t, or may be susceptible fo		s defined by 33 CFR part 329 in
B. CWA SECTION 404 DETERMINATIO There Are No "waters of the U.S." with			. 22 برط است سائل	CED most 220) in the marrians
There Are No "waters of the U.S." with area. 1. Waters of the U.S.	nin Clean Water Ac	t (CWA) jurisdiction (as de	enned by 33	CFR part 328) in the review
a. Indicate presence of water of U.S TNWs (new) Wetlands adjacent to TNWs Relatively permanent waters (F Non-RPWs that flow directly or Wetlands directly abutting RP Wetlands adjacent to but not or Wetlands adjacent to non-RPW Impoundments of jurisdictiona	RPWs) that flow dir r indirectly into TN\ Ws that flow direct directly abutting RP Vs that flow directly Il waters	ectly or indirectly into TN\ Vs :ly or indirectly into TNWs Ws that flow directly or in v or indirectly into TNWs	;	TNWs
b. Identify (estimate) size of waters	s of the U.S. in the	review area		
Non-Wetlands waters	Linear Feet	Width (f	ft) and/or	Acres
Wetlands Acres:				
c. Limits (boundaries) of Jurisdiction	on based on:			
2. Non-Regulated Waters/Wetlands (o ✓ Potentially jurisdictional waters and Explain: Drainage is ephemeral as	d/or wetlands were	assessed within the revie		

jurisdictional if it possessed a significant nexus with a downstream TNW. This drainage does not possess a

significant nexus with the downstream TNW.

Feature ID:
7

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatice resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1.	TNW Identify TNW:		☐ Vegetation
	Summarize rationale	supporting determination:	
2.	Wetland adjacent t	o TNW	

Summarize rationale supporting conclusion that wetland is "adjacent"

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed Size (sq mi): Drainage Area (sq mi): Average Annual Rainfall (in): Average Annual Snowfall (in): 18 1.4 (ii) Physical Characteristics: (a) Relationship with TNW Tributary flows directly to TNW Tributary flows through 5 Tributary flows through 5 Project waters are 30 (or more) river miles from TNW

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 7 Project waters are 30 (or more) river Miles from tributary to RPW: Project waters are 30 (or more) aerial (straight) miles from tributary to TNW: Project waters are 30 (or more) aerial (straight) miles from tributary to RPW: Project waters cross or serve as state boundaries. Explain: Identify flow route to TNW Generally to Queen Creek to East Maricopa Floodway to the Gila River (b) General Tributary Characteristics Tributary is: Natural Explain: Tributary properties with respect to top of bank (estimate): Average Width (ft): 3.07 Average Depth (ft): 1 Average Side Slopes: 2:1 Primary tributary substrate composition (check all that apply): Concrete Sands Cobbles Gravel ☐ Bedrock ☐ Substrate - Vegetation Other, Explain: Tributary Condition/Stability [e.g., highly eroding, sloughing banks. Explain: Stable Presence of Run/Riffle/Pool Complexes. Explain: None present. Tributary Geometry: Relatively Straight Tributary Gradient (approximate average slope): 2%

Tributary Provides for Estimate average nun Describe Flow	nber of flow events in rev	/iew area/year:	
Other Information or	n Duration and Volume:		
Surface Flow is:	Confined	Characteristics:	
Subsurface Flow:	No	Explain:	
Dye (or other)	test performed:		
	ll the apply): OHWM Ind		6193
✓ Changes in so	l line impressed on the ba oil character		sence of litter and debris truction of terrestrial vegetation
Shelving			sence of wrack line
✓ Vegetation m	atted down, bent or abs	ent 📝 Sed	iment sorting
Leaf litter dist	turbed or washed away	☐ Sco	ur
✓ Sediment der			Itiple observed or predicted flow events
Water stainin	g	∐ Abr	upt change in plant community
Other (list):			

If factors other than the OHWN were used to determine lateral extent of CWA jurisdiction (Check all that apply)

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 7 High tide line indicated by: Mean High water Mark indicated by: oil or scum line along shore objects survey to available datum fine shell or debris deposits (foreshore) physical markings physical markings/characteristics vegetation lines/changes in vegetation types \square other (iii) Chemical Characteristics: Characterize Tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc): Explain: Identify Specific Pollutants, if known: (iv) Biological Characteristics. Channel supports (check all that apply): Riparian Corridor Characteristics: Wetland Fringe Characteristics: Habitat for: Federally Listed Species Explain findings: Fish/Spawn Areas Explain findings: Other environmentally -sensitive species Explain findings: Aquatic/Wildlife diversity Explain: 2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW (i) Physical Characteristics: (a) General Wetland Characteristics Properties: Wetland Size (ac): Wetland Type, Explain: Wetland Quality, Explain: Project Wetlands Cross or Serve as State Boundaries, Explain: (b) General Flow Relationship with Non-TNW: Wetland Flow is: Explain: Surface Flow is: Characteristics: Subsurface Flow: Explain Findings: (c) Wetland Adjacency Determination with Non-TNW: Wetland Directly Abutting Non-TNW Discrete wetland hydrologic connection Explain: Ecological connection Explain: Separated by berm/barrier Explain: (d) Proximity (Relationship) to TNW

Project Wetlands: River Miles from TNW: Project Wetlands: Aerial Miles from TNW:

Estimate approximate Location of Wetland within Floodplain:

Flow is From:

Feature	ID:
7	

(ii)	Chem	ical	Chara	cte	ristics:
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3.

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; ect.).
Explain
Identify specific pollutants, if know:
iii) Biological Characteristics. Wetland supports (check all that apply):
Riparian Buffer Characteristics (type, average width):
☐ Vegetation type/percent cover. Explain:
Habitat for:
☐ Federally Listed Species Explain:
☐ Fish/Spawn Areas Explain:
Other environmentally-sensitive species Explain:
Aquatic/Wildlife Diversity Explain:
Characteristics of all wetlands adjacent to the tributary (if any)
All wetland(s) being considered in cumulative analysis:
Wetland acres in total being considered in cumulative analysis:
Describe each wetland (directly abuts tributary?; size in acres; overall biological, chemical or physical functions):

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- •Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent welands, then go to SectionIII.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

Feature ID:

ETERMINATIONS O	F JURISDICTIC	NAL FIND	DINGS. THE SU	JBJECT WA	ERS/WETLAND	S ARE (CHECK AL	L THAT APP
1. TNWs and Adjace	ent Wetlands.	Check all t	that apply and p	provide size	estimates in revie	ew area:	
☐ TNWs Li	inear Feet:		Width (fi	t):	TNW Acres		
\square Wetlands adjac	ent to TNWs:	Acres:					
2. RPWs that flow d	lirectly or indir	ectly into 1	ΓNWs				
Tributaries of T that tributary i		butaries ty	pically flow yea	ar-round are	jurisdictional. Pro	ovide data and Ratio	onale indicati
	Data supporting					ly three months ear ionale indicating th	
	·	dictional w	raters in the rev	riew are (che	ck all that apply):		
	ry waters		Linear Feet:		Width (Ft).		
☐ Other no	on-wetland wa	ters: A	cres:				
3. Non-RPWs that fi	low directly or	indirectly i	into TNWs.				
with a TNW is ju Provide estimates Length (Linear I	urisdictional. Do s of jurisdiction Feet):	ata suppor al waters w	ting this conclu vithin the reviev Width (feet):	sion provide w area (chec	d at section III.c. k all that apply): Acres:	and it has significan	it nexus
with a TNW is just Provide estimates Length (Linear I	urisdictional. Do s of jurisdiction Feet):	ata suppor al waters w PW that fle	ting this conclu vithin the reviev Width (feet): ow directly or i	sion provide w area (chec	d at section III.c. k all that apply): Acres: o TNWs.	and it has significan	it nexus
with a TNW is just Provide estimates Length (Linear I 4. Wetlands directly Wetlands directly Wetlands directly	urisdictional. Do s of jurisdiction. Feet): y abutting an R ctly abut RPW a directly abutting that tributary is	ata suppor al waters w PW that flood and thus are g an RPW v	ting this conclu vithin the reviev Width (feet): ow directly or i e jurisdictional vhere tributarie	w area (chec marea (chec indirectly int as adjacent	d at section III.c. k all that apply): Acres: o TNWs. wetlands. pw year-round. P	rovide data and rat	ionale
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with a TNW is just Provide estimates Length (Linear II) 4. Wetlands directly Wetlands directly Wetlands directly indicating to abutting and is seasonal	urisdictional. Do s of jurisdiction Feet): y abutting an R ctly abut RPW a directly abutting that tributary is nd RPW: directly abutting in Section III.B nd RPW	ata suppor al waters w PW that flood and thus are g an RPW v perennial g an RPW v and ration	ting this concluvithin the review Width (feet): ow directly or it is in sectional where tributaries in Section III.D. where tributaries ale in Section II	w area (checkindirectly interest typically flat, above. Process typically flat. I.D.2 above.	d at section III.c. k all that apply): Acres: o TNWs. wetlands. ow year-round. Povide rationale income "Seasonally". Provide rationale	rovide data and rat dicating that wetlar Provide data indica	cionale nd is directly ating that trik
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E. ISOLATED WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE

Demonstration of Jurisdiction:

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 7 Supporting rationale: Length (linear feet): Acres: F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS: Non-Jurisdictional Waters: Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain finding of no Significant Nexus: The characteristics of the surface water features within the current Analysis Area and the flowpath to the TNW eliminate the potential for a more than insubstantial hydrologic connection to exist between the Analysis Area and the downgradient TNW. The surface water features within the current Analysis Area do not either contribute or filter pollutants, or contribute sediments at an amount or frequency that would affect the chemical or physical integrity of the downstream TNW. They do not provide significant habitat or life cycle support functions for any species population found within the TNW, do not affect the aquatic habitat of or the amount of nutrient transport to the TNW reach of the Gila River, and do not have a more than insubstantial effect on the biological integrity of this TNW. As such, there is no significant nexus between the surface water features within the current Analysis Area and the downgradient TNW and, as such, these features are not a jurisdictional Waters. Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply): Non wetland-Waters (i.e., rivers, streams): linear feet: width (ft): ☐ Other Non-wetland Waters MBR acres: acres: Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply): ✓ Non-wetland waters 550.19 linear feet (ft), 3.07 width (ft) Other waters acres Wetlands acres **SECTION IV: DATA SOURCES** A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below): ✓ Maps, Plans, Plots or Plat Submitted by Applicant/Consultant: WestLand Resources, Inc. Data Sheets Prepared/Submitted by or on behalf of Applicant/Consultant Office Concurs with data sheets/delineation report Office Does Not Concur with data sheets/delineation report Data Sheets Prepared by the Corps Corps Navigable Water Study US Geological Survey Hydrologic Atlas USGS NHD Data ☐ USGS 8 and 12 digit HUC Maps

US Geological Survey Map(s)

Superior 7.5-Minute Quadrangle

Scale and Quad Name:

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 7 ☐ USDA Nat'l Res Conservation Service Soil Survey Citation: ☐ National Wetlands Inventory Maps Cite Map Name: ☐ State/Local Wetland Inventory Maps ☐ FEMA/FIRM Maps: ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929) Aerial Photographs (Name and Date): 2019 USDA NAIP Orthophoto Other Photographs (Name and Date): Previous Determinations File No. and Date of Response Letter: ☐ Applicable/Supporting Case Law Citation: ☐ Applicable/Supporting Scientific Literature Citation: Other Information, Please Specify:

Additional Comments to Support JD:

Feature ID:	
7B	

A. REPORT COMPLETION DATE FOR AP	PROVED JURISD	ICTIONAL DE	TERMINATION	(JD): May	/ 15, 2020	
B. DISTRICT OFFICE, FILE NAME, AND N	IUMBER: Los	Angeles Disti	ict, File No. Per	ding		
C. PROJECT LOCATION AND BACKGROU	UND INFORMATI	ON: Draina	ge Feature 7	В		
State: AZ County/Parish/b	orough: Pina	l County		Cit	y: Superior	
Center coordinates of site: Lat. 33	.30979°N	Long11	1.039659°W			
Name of nearest waterbody: Quee	n Creek					
Name of nearest Traditional Navigable Gila River between Powers Butte		which the aqu	atic resource flov	vs:		
Name of watershed or Hydrologic Unit	Code (HUC):	15050100				
Check if map/diagram of review areCheck if other sites (e.g, offsite mitig different JD form.						on a
D. REVIEW PERFORMED FOR SITE EVAI	LUATION (CHECK	ALL THAT A	PPLY):			
✓ Office (Desk) Determination. Date:☐ Field Determination. Date(s):	05/2020					
SECTION II: SUMMARY OF FINDINGS A. RHA SECTION 10 DETERMINATION	OF JURISDICTIO	N.				
There Are No "navigable waters of the the review area. Waters subject to the ebb and flow o Waters are presently used, or have be B. CWA SECTION 404 DETERMINATION	f the tide. een used in the pa	st, or may be s		·	, ,	
There Are No "waters of the U.S." wit area.	hin Clean Water A	ct (CWA) jurise	diction (as define	d by 33 CFR p	art 328) in the rev	iew
1. Waters of the U.S.						
a. Indicate presence of water of U.S. TNWs (new) Wetlands adjacent to TNWs Relatively permanent waters (I Non-RPWs that flow directly of Wetlands directly abutting RP Wetlands adjacent to but not of Wetlands adjacent to non-RPW	RPWs) that flow di r indirectly into TN Ws that flow direc directly abutting RI Vs that flow directl Il waters	rectly or indire Ws tly or indirect PWs that flow y or indirectly	ectly into TNWs ly into TNWs directly or indire into TNWs	ctly into TNW	's	
☐ Impoundments of jurisdictiona☐ Isolated (interstate or intrastat	te) waters, includir	0				
\Box Impoundments of jurisdictiona		_				
☐ Impoundments of jurisdictiona☐ Isolated (interstate or intrastat		_	 Width (ft) ar	d/or	Acres	
☐ Impoundments of jurisdictiona☐ Isolated (interstate or intrastate) b. Identify (estimate) size of waters	s of the U.S. in the	_	Width (ft) ar	d/or	Acres	

jurisdictional if it possessed a significant nexus with a downstream TNW. This drainage does not possess a

significant nexus with the downstream TNW.

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7B	

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatice resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

L.	TNW Identify TNW:	☐ Vegetation
	Summarize rationale supporting determination:	
2.	Wetland adjacent to TNW	
	Summarize rationale supporting conclusion that wetland is "adjac	ent"

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions: Watershed Size (sq mi): 49650 Drainage Area (sq mi): 18 Average Annual Rainfall (in): 1.4 (ii) Physical Characteristics: (a) Relationship with TNW ☐ Tributary flows directly to TNW ☐ Tributary flows through 5 tributaries before entering TNW Project waters are 30 (or more) river miles from TNW

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		U.S.	Army Cor	rps of Engir	neers		7B	
Project wat	ers are 30 (or more)	 river Mi	les from trib	outary to RP	PW:		
Project wat	ers are 30 (or more)	aerial (s	traight) mile	s from tribu	utary to T	NW:	
Project wat	ers are 30 (or more)	aerial (s	traight) mile	s from tribu	utary to R	PW:	
Project wat	ers cross or se	rve as state	boundari	es. Explain	:			
Identify flow	v route to TNV	V Generall	y to Quee	n Creek to E	ast Maricop	pa Floodw	ay to the G	ila River
(b) General Tribu	tary Character	istics						
Tributary is:	Natural		Explain:					
Average Average Average	perties with re Width (ft): Depth (ft): Side Slopes:	3.92 1 2:1			h.A.			
	outary substrat			ali that app				
☐ Silts ☐ Cobb	✓ Sands les Grave		oncrete		Muck			
☐ Bedr	. 💌	' ate - Veget	ation O	ther, Explai	n:			
Tributary 0	Condition/Stab	ilitv [e.g., hi	ghlv erodi	ing, sloughir	ng banks. Ex	oplain:	Stable	·
	f Run/Riffle/Po				Vone preser			
Tributary 6	Geometry:	Relatively	Straight					
Tributary G	Gradient (appro	oximate ave	rage slope	e): 2	%			
(c) Flow: Tributary Provides for: Estimate average numbe Describe Flow Re			/ area/yea	r:				
Other Information on D	uration and V	olume:						
Surface Flow is:	Confined		Charact	teristics:				
Subsurface Flow:	No		Explain	:				
\square Dye (or other) te	st performed:							
Tributary Has (Check al	that apply):							
✓ Bed and Banks✓ OHWM (check all t	he apply): OH	WM Indicat	ors:					
☐ Clear, natural lir ☐ Changes in soil of ☐ Shelving ☐ Vegetation math ☐ Leaf litter distur ☐ Sediment depose ☐ Water staining Other (list):	character ed down, ben bed or washed	t or absent		✓ Destruction✓ Presenction✓ Sedime✓ ScourMultiple	ce of litter a ction of terr ce of wrack ent sorting e observed change in p	restrial ve _l line or predic	getation ted flow ev	rents
	Explain:							

If factors other than the OHWN were used to determine lateral extent of CWA jurisdiction (Check all that apply)

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **7B** High tide line indicated by: Mean High water Mark indicated by: oil or scum line along shore objects survey to available datum fine shell or debris deposits (foreshore) physical markings physical markings/characteristics vegetation lines/changes in vegetation types \square other (iii) Chemical Characteristics: Characterize Tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc): Explain: Identify Specific Pollutants, if known: (iv) Biological Characteristics. Channel supports (check all that apply): Riparian Corridor Characteristics: Wetland Fringe Characteristics: Habitat for: Federally Listed Species Explain findings: Fish/Spawn Areas Explain findings: Other environmentally -sensitive species Explain findings: Aquatic/Wildlife diversity Explain: 2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW (i) Physical Characteristics: (a) General Wetland Characteristics Properties: Wetland Size (ac): Wetland Type, Explain: Wetland Quality, Explain: Project Wetlands Cross or Serve as State Boundaries, Explain: (b) General Flow Relationship with Non-TNW: Wetland Flow is: Explain: Surface Flow is: Characteristics: Subsurface Flow: Explain Findings: (c) Wetland Adjacency Determination with Non-TNW: Wetland Directly Abutting Non-TNW Discrete wetland hydrologic connection Explain: Ecological connection Explain: Separated by berm/barrier Explain:

(d) Proximity (Relationship) to TNW

Flow is From:

Project Wetlands: River Miles from TNW: Project Wetlands: Aerial Miles from TNW:

Estimate approximate Location of Wetland within Floodplain:

Feature ID:	
7B	

3.

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; ect.).
Explain
Identify specific pollutants, if know:
iii) Biological Characteristics. Wetland supports (check all that apply):
Riparian Buffer Characteristics (type, average width):
☐ Vegetation type/percent cover. Explain:
Habitat for:
☐ Federally Listed Species Explain:
☐ Fish/Spawn Areas Explain:
Other environmentally-sensitive species Explain:
Aquatic/Wildlife Diversity Explain:
Characteristics of all wetlands adjacent to the tributary (if any)
All wetland(s) being considered in cumulative analysis:
Wetland acres in total being considered in cumulative analysis:
Describe each wetland (directly abuts tributary?; size in acres; overall biological, chemical or physical functions):

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- •Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent welands, then go to SectionIII.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

Feature ID:

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ETERMINATIONS OF JURISDICTIONAL F	FINDINGS. THE SUBJECT	WATERS/WETLAND	S ARE (CHECK ALL THAT APPLY
1. TNWs and Adjacent Wetlands. Check	all that apply and provide	e size estimates in revie	ew area:
☐ TNWs Linear Feet:	Width (ft):	TNW Acres	
☐ Wetlands adjacent to TNWs: Acres:			
2. RPWs that flow directly or indirectly in	nto TNWs		
Tributaries of TNWs where tributaries that tributary is perennial:		d are jurisdictional. Pro	ovide data and Rationale indicating
Tributaries of TNW where tributaries jurisdictional. Data supporting this of flows seasonally:			
Provide estimates for jurisdiction	al waters in the review are	e (check all that apply):	
☐ Tributary waters	Linear Feet:	Width (Ft).	
\Box Other non-wetland waters:	Acres:		
3. Non-RPWs that flow directly or indirec	rtly into TNWs		
☐ Waterbody that is not a TNW or an R with a TNW is jurisdictional. Data sup	RPW, but flows directly or i		and it has significant nexus
Provide estimates of jurisdictional water	ers within the review area	(check all that apply):	
Length (Linear Feet):	Width (feet):	Acres:	
4. Wetlands directly abutting an RPW tha	at flow directly or indirect	tly into TNWs.	
☐ Wetlands directly abut RPW and thu	ıs are jurisdictional as adja	cent wetlands.	
Wetlands directly abutting an RP indicating that tributary is perent abutting and RPW:	W where tributaries typic	ally flow year-round. P	
		•	Provide data indicating that tribute indicating that wetland is directly
Provide acreage estimates for jurisdic	tional wetland in the revie	ew area: Acres:	
5. Wetlands adjacent to but not directly	abutting an RPW that flo	w directly or indirectly	into TN
Wetlands that do not directly abut a adjacent and with similarly situated supporting this conclusion is provide	l adjacent wetlands, have		
Provide acreage estimates for jurisdiction	onal wetland in the reviev	v area: Acres:	
6. Wetlands adjacent to non-RPWs that flo	ow directly or indirectly in	nto TNWs.	
Wetlands adjacent to such waters, and and with similarly situated adjacent we conclusion is provided at Section III.C			-
Provide estimates for jurisdictional wet	cland in the review area (ir	n acres):	
Impoundments of jurisdictional waters.	·	•	
Demonstration of Jurisdiction:			
pernonation of Julianiculon.			

E. ISOLATED WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **7B** Supporting rationale: Length (linear feet): Acres: F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS: Non-Jurisdictional Waters: Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain finding of no Significant Nexus: The characteristics of the surface water features within the current Analysis Area and the flowpath to the TNW eliminate the potential for a more than insubstantial hydrologic connection to exist between the Analysis Area and the downgradient TNW. The surface water features within the current Analysis Area do not either contribute or filter pollutants, or contribute sediments at an amount or frequency that would affect the chemical or physical integrity of the downstream TNW. They do not provide significant habitat or life cycle support functions for any species population found within the TNW, do not affect the aquatic habitat of or the amount of nutrient transport to the TNW reach of the Gila River, and do not have a more than insubstantial effect on the biological integrity of this TNW. As such, there is no significant nexus between the surface water features within the current Analysis Area and the downgradient TNW and, as such, these features are not a jurisdictional Waters. Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply): Non wetland-Waters (i.e., rivers, streams): linear feet: width (ft): ☐ Other Non-wetland Waters MBR acres: acres: Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply): ✓ Non-wetland waters 414.55 linear feet (ft), 3.92 width (ft) Other waters acres Wetlands acres **SECTION IV: DATA SOURCES** A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below): ✓ Maps, Plans, Plots or Plat Submitted by Applicant/Consultant: WestLand Resources, Inc. Data Sheets Prepared/Submitted by or on behalf of Applicant/Consultant Office Concurs with data sheets/delineation report Office Does Not Concur with data sheets/delineation report Data Sheets Prepared by the Corps Corps Navigable Water Study US Geological Survey Hydrologic Atlas USGS NHD Data

☐ USGS 8 and 12 digit HUC Maps

Superior 7.5-Minute Quadrangle

Scale and Quad Name:

US Geological Survey Map(s)

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 7B ☐ USDA Nat'l Res Conservation Service Soil Survey Citation: ☐ National Wetlands Inventory Maps Cite Map Name: ☐ State/Local Wetland Inventory Maps ☐ FEMA/FIRM Maps: ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929) Aerial Photographs (Name and Date): 2019 USDA NAIP Orthophoto Other Photographs (Name and Date): Previous Determinations File No. and Date of Response Letter: ☐ Applicable/Supporting Case Law Citation: ☐ Applicable/Supporting Scientific Literature Citation: Other Information, Please Specify:

Additional Comments to Support JD:

Feature	ID:
7C	

A. REPORT COMPLETION DATE FOR A	PPROVED JUR	ISDICTIO	NAL DETERMINATI	ON (JD):	May 15	, 2020	
B. DISTRICT OFFICE, FILE NAME, AND	NUMBER:	Los Angele	es District, File No.	Pending			
C. PROJECT LOCATION AND BACKGRO	UND INFORM	IATION:	Drainage Feature	7C			
State: AZ County/Parish/	oorough:	Pinal Coun	ty		City:	Superior	
Center coordinates of site: Lat. 3.	3.30979°N	Lon	g111.039659°W				
Name of nearest waterbody: Que	en Creek						
Name of nearest Traditional Navigable Gila River between Powers Butte			the aquatic resource	e flows:			
Name of watershed or Hydrologic Unit	Code (HUC):	150	50100				
Check if map/diagram of review areCheck if other sites (e.g, offsite mitigaldifferent JD form.		-	·	•	•	are recorded	d on a
D. REVIEW PERFORMED FOR SITE EVA	LUATION (CH	ECK ALL T	HAT APPLY):				
✓ Office (Desk) Determination. Date☐ Field Determination. Date(s):	: 05/2020						
SECTION II: SUMMARY OF FINDINGS A. RHA SECTION 10 DETERMINATION	N OF JURISDIC	TION.					
There Are No "navigable waters of the the review area. Waters subject to the ebb and flow of the waters are presently used, or have be the company of the there are presently used.	of the tide. Deen used in th	e past, or n	, ,,	·			
There Are No "waters of the U.S." wi area. 1. Waters of the U.S.	thin Clean Wat	er Act (CW	A) jurisdiction (as de	fined by 33	CFR part 3	328) in the rev	view
a. Indicate presence of water of U TNWs (new) Wetlands adjacent to TNWs Relatively permanent waters of the water of the waters of the water of the	(RPWs) that floor indirectly into PWs that flow of directly abuttin Ws that flow di al waters	w directly of TNWs directly or ing RPWs the rectly or in-	or indirectly into TN\ ndirectly into TNWs at flow directly or in directly into TNWs) TNWs		
oxdot Isolated (interstate or intrasta	c of the IIS in	the reviev	v area				
Isolated (interstate or intrastab. Identify (estimate) size of water	5 OI THE 0.3. II		VA (* Jal. 74	+l and/ar		Acres	
•	Linear F	eet	Width (f	t) and/or		, teres	
b. Identify (estimate) size of water		eet	wiath (1	t) and/or		ricics	

jurisdictional if it possessed a significant nexus with a downstream TNW. This drainage does not possess a

significant nexus with the downstream TNW.

ED_013248_00000874-00125

Feature	ID:
7C	

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatice resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1.	Identify TNW:	☐ Vegetation
	Summarize rationale supporting determination:	
2.	Wetland adjacent to TNW	

Summarize rationale supporting conclusion that wetland is "adjacent"

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions: Watershed Size (sq mi): 49650 Drainage Area (sq mi): 18 Average Annual Rainfall (in): 1.4 (ii) Physical Characteristics: (a) Relationship with TNW ☐ Tributary flows directly to TNW ☐ Tributary flows through 5 tributaries before entering TNW Project waters are 30 (or more) river miles from TNW

		SDICTIONAL DETERMINATION FORM	Feature ID:
	U.S.	Army Corps of Engineers	7C
Project waters are	30 (or more)	river Miles from tributary to RPW:	
Project waters are	30 (or more)	aerial (straight) miles from tributary to T	ΓNW:
Project waters are	30 (or more)	aerial (straight) miles from tributary to F	RPW:
Project waters cross	or serve as state	e boundaries. Explain:	
Identify flow route	o TNW General	lly to Queen Creek to East Maricopa Floodv	way to the Gila River
eneral Tributary Cha	racteristics		
ibutary is: Natural		Explain:	
Average Width (1 Average Depth (1 Average Side Slo	t): 2.20 t): 1 pes: 2:1	op of bank (estimate): tion (check all that apply):	
Average Width (1 Average Depth (1 Average Side Slo Primary tributary su Silts	t): 2.20 t): 1 pes: 2:1 bstrate composit		
Average Width (1 Average Depth (1 Average Side Slo Primary tributary su Silts Cobbles	t): 2.20 t): 1 pes: 2:1 bstrate composit Sands	tion (check all that apply): Concrete	
Average Width (1 Average Depth (1 Average Side Slo Primary tributary su Silts Cobbles Bedrock	t): 2.20 t): 1 pes: 2:1 bstrate composit Sands	tion (check all that apply): Concrete	Stable
Average Width (1 Average Depth (1 Average Side Slo Primary tributary su Silts Cobbles Bedrock	t): 2.20 t): 1 pes: 2:1 bstrate composit Sands	tion (check all that apply): Concrete	Stable
Average Width (1 Average Depth (1 Average Side Slo Primary tributary su Silts Cobbles Bedrock Tributary Condition	t): 2.20 t): 1 bes: 2:1 bstrate composit Sands	tion (check all that apply): Concrete	Stable

(c) Flow:		
Tributary Provides for: Estimate average numbe Describe Flow Re		ew area/year:
Other Information on D	uration and Volume:	
Surface Flow is:	Confined	Characteristics:
Subsurface Flow:	No	Explain:
\square Dye (or other) tes	st performed:	
Tributary Has (Check all Bed and Banks OHWM (check all the	rnar appry): ne apply): OHWM Indica	rators:
	e impressed on the ban	
✔ Changes in soil c Shelving	haracter	✓ Destruction of terrestrial vegetation Presence of wrack line
_	ed down, bent or abser	
	ped or washed away	Scour
Sediment deposit	ition	 Multiple observed or predicted flow events
Water staining		Abrupt change in plant community
Other (list):		
Discontinuous? E	xplain:	

If factors other than the OHWN were used to determine lateral extent of CWA jurisdiction (Check all that apply)

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **7C** High tide line indicated by: Mean High water Mark indicated by: oil or scum line along shore objects survey to available datum fine shell or debris deposits (foreshore) physical markings physical markings/characteristics vegetation lines/changes in vegetation types \square other (iii) Chemical Characteristics: Characterize Tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc): Explain: Identify Specific Pollutants, if known: (iv) Biological Characteristics. Channel supports (check all that apply): Riparian Corridor Characteristics: Wetland Fringe Characteristics: Habitat for: Federally Listed Species Explain findings: Fish/Spawn Areas Explain findings: Other environmentally -sensitive species Explain findings: Aquatic/Wildlife diversity Explain: 2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW (i) Physical Characteristics: (a) General Wetland Characteristics Properties: Wetland Size (ac): Wetland Type, Explain: Wetland Quality, Explain: Project Wetlands Cross or Serve as State Boundaries, Explain: (b) General Flow Relationship with Non-TNW: Wetland Flow is: Explain: Surface Flow is: Characteristics: Subsurface Flow: Explain Findings: (c) Wetland Adjacency Determination with Non-TNW: Wetland Directly Abutting Non-TNW Discrete wetland hydrologic connection Explain: Ecological connection Explain: Separated by berm/barrier Explain: (d) Proximity (Relationship) to TNW

Project Wetlands: River Miles from TNW: Project Wetlands: Aerial Miles from TNW:

Estimate approximate Location of Wetland within Floodplain:

Flow is From:

Feat	ure	ID:		
7C				

(ii)	Chem	ical	Chara	cte	ristics:
------	------	------	-------	-----	----------

3.

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; ect.).
Explain Identify specific pollutants, if know:
ii) Biological Characteristics. Wetland supports (check all that apply):
Riparian Buffer Characteristics (type, average width):
☐ Vegetation type/percent cover. Explain:
Habitat for:
Federally Listed Species Explain:
☐ Fish/Spawn Areas Explain:
Other environmentally-sensitive species Explain:
Aquatic/Wildlife Diversity Explain:
Characteristics of all wetlands adjacent to the tributary (if any)
All wetland(s) being considered in cumulative analysis:
Wetland acres in total being considered in cumulative analysis:
Describe each wetland (directly abuts tributary?; size in acres; overall biological, chemical or physical functions):

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- •Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent welands, then go to SectionIII.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

TERMINATIONS O					-		-	ТНАТ АРР
1. TNWs and Adjace	nt Wetlands.	Check all t	hat apply and p	provide siz	e estimates in	review area	1:	
☐ TNWs Li	inear Feet:		Width (f	t):	TNW Acre	S		
\square Wetlands adjac	ent to TNWs:	Acres:						
2. RPWs that flow d	lirectly or indire	ectly into T	NWs					
☐ Tributaries of T that tributary i	FNWs where tri s perennial:	butaries ty _l	oically flow yea	ar-round a	re jurisdictiona	il. Provide d	ata and Ratior	nale indicat
	ΓNW where trib Data supporting ly:							
Provide esti	imates for juriso	dictional wa	aters in the rev	view are (c	heck all that ap	oply):		
☐ Tributar	y waters		Linear Feet:		Width (Ft).			
Other no	on-wetland wat	ters: Ac	res:					
3. Non-RPWs that f	low directly or	indirectly i	nto TNWs					
with a TNW is ju Provide estimates Length (Linear	urisdictional. Da s of jurisdictiona Feet):	ata support al waters w	ithin the revie	ision provi w area (ch	ded at section eck all that ap Acres:	III.c.	eas significant	nexus
with a TNW is just of Provide estimates Length (Linear lands directly	urisdictional. Dass of jurisdictionals Feet): y abutting an R	ata support al waters w PW that flo	ing this conclu ithin the revie Width (feet): www.directly.or i	usion provi w area (ch indirectly i	ded at section eck all that apparents. Acres:	III.c.	as significant	nexus
with a TNW is just provide estimates Length (Linear lands directly Wetlands directly	urisdictional. Dass of jurisdictions Feet): y abutting an Rectly abut RPW a directly abutting that tributary is	ata support al waters w PW that flo nd thus are	ing this concluithin the review Width (feet): www directly or in the jurisdictional the here tributaries	usion provi w area (ch indirectly i as adjacer es typically	ded at section eck all that ap Acres: Into TNWs. It wetlands. If flow year-rou	III.c. oly): nd. Provide	data and ratio	nale
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with a TNW is just Provide estimates Length (Linear lands directly) Wetlands directly Wetlands directly Wetlands directly abutting ar Wetlands directly indicating to abutting ar abutting ar	urisdictional. Dass of jurisdictions Feet): y abutting an Rectly abut RPW a directly abutting that tributary is and RPW: directly abutting in Section III.B and RPW elestimates for jurisdictions	PW that flood and thus are g an RPW w perennial i	ing this concluithin the review Width (feet): www directly or in a jurisdictional here tributarien Section III.D. here tributarien section III.D.	indirectly in as adjacer es typically in 2, above. In D.2 above the review and th	Acres: Into TNWs. Int wetlands. If low year-rou Provide rational If low "Seasonale. Provide rationale. Provide rationale. Provide rationale. Acres:	III.c. oly): nd. Provide ale indicating ally". Provid onale indica	data and ratio g that wetland le data indicat ting that wetla	nale I is directly ing that tril
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E. ISOLATED WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE

Demonstration of Jurisdiction:

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **7C** Supporting rationale: Length (linear feet): Acres: F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS: Non-Jurisdictional Waters: Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain finding of no Significant Nexus: The characteristics of the surface water features within the current Analysis Area and the flowpath to the TNW eliminate the potential for a more than insubstantial hydrologic connection to exist between the Analysis Area and the downgradient TNW. The surface water features within the current Analysis Area do not either contribute or filter pollutants, or contribute sediments at an amount or frequency that would affect the chemical or physical integrity of the downstream TNW. They do not provide significant habitat or life cycle support functions for any species population found within the TNW, do not affect the aquatic habitat of or the amount of nutrient transport to the TNW reach of the Gila River, and do not have a more than insubstantial effect on the biological integrity of this TNW. As such, there is no significant nexus between the surface water features within the current Analysis Area and the downgradient TNW and, as such, these features are not a jurisdictional Waters. Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply): Non wetland-Waters (i.e., rivers, streams): linear feet: width (ft): ☐ Other Non-wetland Waters MBR acres: acres: Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply): ✓ Non-wetland waters 449.71 linear feet (ft), 2.20 width (ft) Other waters acres Wetlands acres **SECTION IV: DATA SOURCES** A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below): ✓ Maps, Plans, Plots or Plat Submitted by Applicant/Consultant: WestLand Resources, Inc. Data Sheets Prepared/Submitted by or on behalf of Applicant/Consultant Office Concurs with data sheets/delineation report Office Does Not Concur with data sheets/delineation report Data Sheets Prepared by the Corps Corps Navigable Water Study US Geological Survey Hydrologic Atlas USGS NHD Data

☐ USGS 8 and 12 digit HUC Maps

Superior 7.5-Minute Quadrangle

Scale and Quad Name:

US Geological Survey Map(s)

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **7C** ☐ USDA Nat'l Res Conservation Service Soil Survey Citation: ☐ National Wetlands Inventory Maps Cite Map Name: ☐ State/Local Wetland Inventory Maps ☐ FEMA/FIRM Maps: ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929) Aerial Photographs (Name and Date): 2019 USDA NAIP Orthophoto Other Photographs (Name and Date): Previous Determinations File No. and Date of Response Letter: ☐ Applicable/Supporting Case Law Citation: ☐ Applicable/Supporting Scientific Literature Citation: Other Information, Please Specify:

Additional Comments to Support JD:

Fea	iture	ID:		
7D				

Thi

	APPROVED JURISDICTIONAL	DETERMINATION (JD): Ma	ay 15, 2020
B. DISTRICT OFFICE, FILE NAME, AND	NUMBER: Los Angeles D	District, File No. Pending	
C. PROJECT LOCATION AND BACKGRO	OUND INFORMATION: Dra	ainage Feature 7D	
State: AZ County/Parish	/borough: Pinal County	C	ity: Superior
Center coordinates of site: Lat.	33.30979°N Long.	-111.039659°W	
Name of nearest waterbody: Que	een Creek		
Name of nearest Traditional Navigabl Gila River between Powers Butt		aquatic resource flows:	
Name of watershed or Hydrologic Un	it Code (HUC): 150501	100	
Check if map/diagram of review arCheck if other sites (e.g, offsite mit different JD form.			•
D. REVIEW PERFORMED FOR SITE EV	ALUATION (CHECK ALL THA	T APPLY):	
Office (Desk) Determination. DateField Determination. Date(s):	e: 05/2020		
SECTION II: SUMMARY OF FINDINGS A. RHA SECTION 10 DETERMINATIO	N OF JURISDICTION.		
the review area. Waters subject to the ebb and flow Waters are presently used, or have B. CWA SECTION 404 DETERMINATION There Are No "waters of the U.S." was a second of the U.S." was a second or second	of the tide. been used in the past, or may ON OF JURISDICTION	oors Act (RHA) jurisdiction (as de be susceptible for use to transpo urisdiction (as defined by 33 CFR	ort interstate or foreign commerc
area.			
1. Waters of the U.S.	J.S. in review area (Check all t	he apply):	
a. Indicate presence of water of to TNWs (new) Wetlands adjacent to TNWs Relatively permanent waters Non-RPWs that flow directly Wetlands directly abutting For Wetlands adjacent to but no Wetlands adjacent to non-RFO Impoundments of jurisdiction	RPWs that flow directly or indi t directly abutting RPWs that f PWs that flow directly or indire	rectly into TNWs low directly or indirectly into TNV ectly into TNWs	Ws
a. Indicate presence of water of to TNWs (new) Wetlands adjacent to TNWs Relatively permanent waters Non-RPWs that flow directly Wetlands directly abutting For Wetlands adjacent to but no Wetlands adjacent to non-RFO Impoundments of jurisdiction	or indirectly into TNWs PWs that flow directly or indi t directly abutting RPWs that f PWs that flow directly or indire hal waters ate) waters, including isolated	rectly into TNWs low directly or indirectly into TNV ectly into TNWs	Ws
a. Indicate presence of water of to TNWs (new) Wetlands adjacent to TNWs Relatively permanent waters Non-RPWs that flow directly Wetlands directly abutting For Wetlands adjacent to but no Wetlands adjacent to non-RForm Impoundments of jurisdiction Isolated (interstate or intrast	or indirectly into TNWs PWs that flow directly or indi t directly abutting RPWs that f PWs that flow directly or indire hal waters ate) waters, including isolated	rectly into TNWs low directly or indirectly into TNV ectly into TNWs	<i>N</i> 's Acres
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jurisdictional if it possessed a significant nexus with a downstream TNW. This drainage does not possess a

significant nexus with the downstream TNW.

ED_013248_00000874-00133

Feature ID:	
7D	

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatice resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1.	TNW Identify TNW:	☐ Vegetation
	Summarize rationale supporting determination:	
2.	Wetland adjacent to TNW	
	Summarize rationale supporting conclusion that wetland is "adja	cent"

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions: Watershed Size (sq mi): 49650 Drainage Area (sq mi): 18 Average Annual Rainfall (in): 1.4 (ii) Physical Characteristics: (a) Relationship with TNW ☐ Tributary flows directly to TNW ☐ Tributary flows through 5 tributaries before entering TNW Project waters are 30 (or more) river miles from TNW

/1	ORM
7D	
	V:
to TNW:	tary to T
to RPW:	tary to F
odway to t	a Floody
to RPW:	tary to F

Project wate	rs are 30 (or more)	river Miles from tributary to RPW:	
Project wate	rs are 30 (or more)	aerial (straight) miles from tributary to	TNW:
Project wate	rs are 30 (or more)	aerial (straight) miles from tributary to	RPW:
Project wate	rs cross or serve as state b	ooundaries. Explain:	
Identify flow	route to TNW Generally	to Queen Creek to East Maricopa Flood	way to the Gila River
(b) General Tributa	ary Characteristics		
Tributary is:	latural	Explain:	
Average V Average D	Pepth (ft): 1	of bank (estimate):	
_	ide Slopes: 2:1		
Primary tribu	itary substrate composition	on (check all that apply):	
☐ Silts ☐ Cobble ☐ Bedro	es 🕝 Gravel	ncrete	
Tributary Co	ondition/Stability [e.g., hig	ghly eroding, sloughing banks. Explain:	Stable
Presence of	Run/Riffle/Pool Complexe	es. Explain: None present.	
Tributary Ge	eometry: Relatively S	Straight	
Tributary Gr	adient (approximate aver	age slope): 2%	
(c) Flow: Tributary Provides for: Estimate average number Describe Flow Reg		area/year:	
Other Information on Du			
Surface Flow is:	Confined	Characteristics:	
Subsurface Flow:	No	Explain:	J.
\square Dye (or other) test			
Tributary Has (Check all t	that apply)		
	ласаррту).		
✓ Bed and Banks✓ OHWM (check all the	e apply): OHWM Indicato	ors:	
☐ Clear, natural line ☑ Changes in soil ch ☐ Shelving ☑ Vegetation matte ☑ Leaf litter disturb ☑ Sediment deposit ☐ Water staining	e impressed on the bank naracter ed down, bent or absent ed or washed away	Presence of litter and debr Destruction of terrestrial v Presence of wrack line Sediment sorting Scour Multiple observed or pred Abrupt change in plant cor	egetation icted flow events
Other (list):	volain		
Discontinuous? Ex	cplain:		

If factors other than the OHWN were used to determine lateral extent of CWA jurisdiction (Check all that apply)

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 7D High tide line indicated by: Mean High water Mark indicated by: oil or scum line along shore objects survey to available datum fine shell or debris deposits (foreshore) physical markings physical markings/characteristics vegetation lines/changes in vegetation types \square other (iii) Chemical Characteristics: Characterize Tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc): Explain: Identify Specific Pollutants, if known: (iv) Biological Characteristics. Channel supports (check all that apply): Riparian Corridor Characteristics: Wetland Fringe Characteristics: Habitat for: Federally Listed Species Explain findings: Fish/Spawn Areas Explain findings: Other environmentally -sensitive species Explain findings: Aquatic/Wildlife diversity Explain: 2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW (i) Physical Characteristics: (a) General Wetland Characteristics Properties: Wetland Size (ac): Wetland Type, Explain: Wetland Quality, Explain: Project Wetlands Cross or Serve as State Boundaries, Explain: (b) General Flow Relationship with Non-TNW: Wetland Flow is: Explain: Surface Flow is: Characteristics: Subsurface Flow: Explain Findings: (c) Wetland Adjacency Determination with Non-TNW: Wetland Directly Abutting Non-TNW Discrete wetland hydrologic connection Explain: Ecological connection Explain: Separated by berm/barrier Explain: (d) Proximity (Relationship) to TNW

Project Wetlands: River Miles from TNW: Project Wetlands: Aerial Miles from TNW:

Estimate approximate Location of Wetland within Floodplain:

Flow is From:

Feature ID);
7D	

	ii	Che	emical	Cha	racte	ristics	:
--	----	-----	--------	-----	-------	---------	---

3.

characteri	ize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed istics: ect.).
Explain	
identify sp	pecific pollutants, if know:
iii) Biological	Characteristics. Wetland supports (check all that apply):
Ripar	rian Buffer Characteristics (type, average width):
Vege	etation type/percent cover. Explain:
Habitat f	îor:
Fe	derally Listed Species Explain:
Fis	h/Spawn Areas Explain:
Ot	her environmentally-sensitive species Explain:
Aq	uatic/Wildlife Diversity Explain:
Characteristi	ics of all wetlands adjacent to the tributary (if any)
All wetland	d(s) being considered in cumulative analysis:
Wetland a	cres in total being considered in cumulative analysis:
Describe ea	ach wetland (directly abuts tributary?; size in acres; overall biological, chemical or physical functions):

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- •Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent welands, then go to SectionIII.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

Feature ID:

70

TERMINATIONS OF JURISDICTIONAL	FINDINGS. THE SUBJEC	WATERS/ WETEANDS ARE (CHECK ALL THAT A
1. TNWs and Adjacent Wetlands. Check	k all that apply and provid	le size estimates in review area:
☐ TNWs Linear Feet:	Width (ft):	TNW Acres
☐ Wetlands adjacent to TNWs: Acres:		
2. RPWs that flow directly or indirectly i	nto TNWs	
Tributaries of TNWs where tributari that tributary is perennial:	es typically flow year-rour	nd are jurisdictional. Provide data and Rationale indic
		seasonally" (e.g., typically three months each year) are section III.B. Provide rationale indicating that tributary
Provide estimates for jurisdiction	nal waters in the review ar	re (check all that apply):
Tributary waters	Linear Feet:	Width (Ft).
\Box Other non-wetland waters:	Acres:	
3. Non-RPWs that flow directly or indire	othy into TNIMs	
Provide estimates of jurisdictional wat Length (Linear Feet):	ers within the review area Width (feet):	Acres:
Provide estimates of jurisdictional wat Length (Linear Feet): 4. Wetlands directly abutting an RPW th Wetlands directly abut RPW and the Wetlands directly abutting an RI	ers within the review area Width (feet): at flow directly or indirectly are jurisdictional as adjusted the second state of th	a (check all that apply): Acres: ctly into TNWs. acent wetlands. cally flow year-round. Provide data and rationale
Provide estimates of jurisdictional wat Length (Linear Feet): 4. Wetlands directly abutting an RPW th Wetlands directly abut RPW and the Wetlands directly abutting an RI	ers within the review area Width (feet): at flow directly or indirectly are jurisdictional as adjusted the second state of th	a (check all that apply): Acres: ctly into TNWs. acent wetlands.
Provide estimates of jurisdictional wat Length (Linear Feet): 4. Wetlands directly abutting an RPW th Wetlands directly abut RPW and the Wetlands directly abutting an RI indicating that tributary is perenabutting and RPW: Wetlands directly abutting an RI Wetlands directly abutting an RI	ers within the review area Width (feet): at flow directly or indirect us are jurisdictional as adjust PW where tributaries typionial in Section III.D.2, about PW where tributaries typionial in Section III.D.2.	a (check all that apply): Acres: ctly into TNWs. acent wetlands. cally flow year-round. Provide data and rationale
Provide estimates of jurisdictional wat Length (Linear Feet): 4. Wetlands directly abutting an RPW the Wetlands directly abut RPW and the Wetlands directly abutting an RI indicating that tributary is perenabutting and RPW: Wetlands directly abutting an RI is seasonal in Section III.B and ra	ers within the review area Width (feet): at flow directly or indirect us are jurisdictional as adjust PW where tributaries typic anial in Section III.D.2, about PW where tributaries typic ationale in Section III.D.2 a	Acres: ctly into TNWs. acent wetlands. cally flow year-round. Provide data and rationale ove. Provide rationale indicating that wetland is direct cally flow "Seasonally". Provide data indicating that tabove. Provide rationale indicating that wetland is direct cally flow "Seasonally".
Provide estimates of jurisdictional wat Length (Linear Feet): 4. Wetlands directly abutting an RPW the Wetlands directly abut RPW and the Wetlands directly abutting an RI indicating that tributary is perenabutting and RPW: Wetlands directly abutting an RI is seasonal in Section III.B and reabutting and RPW	ers within the review area Width (feet): at flow directly or indirect us are jurisdictional as adjust PW where tributaries typic anial in Section III.D.2, about PW where tributaries typic ationale in Section III.D.2 actional wetland in the revi	Acres: ctly into TNWs. acent wetlands. cally flow year-round. Provide data and rationale ove. Provide rationale indicating that wetland is direct cally flow "Seasonally". Provide data indicating that tabove. Provide rationale indicating that wetland is direct above. Provide rationale indicating that wetland is direct above. Provide rationale indicating that wetland is direct acres:
Provide estimates of jurisdictional wat Length (Linear Feet): 4. Wetlands directly abutting an RPW th Wetlands directly abut RPW and the Wetlands directly abutting an RI indicating that tributary is perenabutting and RPW: Wetlands directly abutting an RI is seasonal in Section III.B and reabutting and RPW Provide acreage estimates for jurisdictions. Wetlands adjacent to but not directly wetlands that do not directly abut	ers within the review area Width (feet): at flow directly or indirect us are jurisdictional as adjust PW where tributaries typic anial in Section III.D.2, about PW where tributaries typic ationale in Section III.D.2 a ctional wetland in the revi abutting an RPW that flo an RPW, but when consided adjacent wetlands, have	Acres: ctly into TNWs. acent wetlands. cally flow year-round. Provide data and rationale ove. Provide rationale indicating that wetland is direct cally flow "Seasonally". Provide data indicating that tabove. Provide rationale indicating that wetland is direct above. Provide rationale indicating that wetland is direct above. Provide rationale indicating that wetland is direct acres:
Provide estimates of jurisdictional wat Length (Linear Feet): 4. Wetlands directly abutting an RPW the Wetlands directly abut RPW and the Wetlands directly abutting an RI indicating that tributary is perenabutting and RPW: Wetlands directly abutting an RI is seasonal in Section III.B and reabutting and RPW Provide acreage estimates for jurisdictions. Wetlands adjacent to but not directly wetlands that do not directly abut adjacent and with similarly situated.	ers within the review area Width (feet): at flow directly or indirect us are jurisdictional as adju- PW where tributaries typic anial in Section III.D.2, about PW where tributaries typic ationale in Section III.D.2 a ctional wetland in the revi abutting an RPW that flow an RPW, but when considered adjacent wetlands, have led at Section III.C.	Acres: ctly into TNWs. acent wetlands. cally flow year-round. Provide data and rationale ove. Provide rationale indicating that wetland is direct cally flow "Seasonally". Provide data indicating that tabove. Provide rationale indicating that wetland is direct above. Provide rationale indicating that wetland is direct in accordance. Sew directly or indirectly into TN Hered in combination with the tributary to which they a significant nexus with a TNW are jurisidictional. Data
Provide estimates of jurisdictional wat Length (Linear Feet): 4. Wetlands directly abutting an RPW th Wetlands directly abutting an RI indicating that tributary is perenabutting and RPW: Wetlands directly abutting an RI is seasonal in Section III.B and raabutting and RPW Provide acreage estimates for jurisdictions. Wetlands adjacent to but not directly wetlands that do not directly abut adjacent and with similarly situated supporting this conclusion is provided.	ers within the review area Width (feet): at flow directly or indirect us are jurisdictional as adju- PW where tributaries typic anial in Section III.D.2, about PW where tributaries typic ationale in Section III.D.2 a ctional wetland in the revie abutting an RPW that flow an RPW, but when consided adjacent wetlands, have led at Section III.C. ional wetland in the revie	Acres: ctly into TNWs. acent wetlands. cally flow year-round. Provide data and rationale ove. Provide rationale indicating that wetland is direct cally flow "Seasonally". Provide data indicating that tabove. Provide rationale indicating that wetland is direct on the complete of the
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E. ISOLATED WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE

Demonstration of Jurisdiction:

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 7D Supporting rationale: Length (linear feet): Acres: F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS: Non-Jurisdictional Waters: Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain finding of no Significant Nexus: The characteristics of the surface water features within the current Analysis Area and the flowpath to the TNW eliminate the potential for a more than insubstantial hydrologic connection to exist between the Analysis Area and the downgradient TNW. The surface water features within the current Analysis Area do not either contribute or filter pollutants, or contribute sediments at an amount or frequency that would affect the chemical or physical integrity of the downstream TNW. They do not provide significant habitat or life cycle support functions for any species population found within the TNW, do not affect the aquatic habitat of or the amount of nutrient transport to the TNW reach of the Gila River, and do not have a more than insubstantial effect on the biological integrity of this TNW. As such, there is no significant nexus between the surface water features within the current Analysis Area and the downgradient TNW and, as such, these features are not a jurisdictional Waters. Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply): Non wetland-Waters (i.e., rivers, streams): linear feet: width (ft): ☐ Other Non-wetland Waters MBR acres: acres: Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply): ✓ Non-wetland waters 522.75 linear feet (ft), 3.50 width (ft) Other waters acres Wetlands acres **SECTION IV: DATA SOURCES** A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below): ✓ Maps, Plans, Plots or Plat Submitted by Applicant/Consultant: WestLand Resources, Inc. Data Sheets Prepared/Submitted by or on behalf of Applicant/Consultant Office Concurs with data sheets/delineation report Office Does Not Concur with data sheets/delineation report Data Sheets Prepared by the Corps Corps Navigable Water Study US Geological Survey Hydrologic Atlas

USGS NHD Data

US Geological Survey Map(s)

☐ USGS 8 and 12 digit HUC Maps

Superior 7.5-Minute Quadrangle

Scale and Quad Name:

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 7D ☐ USDA Nat'l Res Conservation Service Soil Survey Citation: ☐ National Wetlands Inventory Maps Cite Map Name: ☐ State/Local Wetland Inventory Maps ☐ FEMA/FIRM Maps: ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929) Aerial Photographs (Name and Date): 2019 USDA NAIP Orthophoto Other Photographs (Name and Date): Previous Determinations File No. and Date of Response Letter: ☐ Applicable/Supporting Case Law Citation: ☐ Applicable/Supporting Scientific Literature Citation: Other Information, Please Specify:

Additional Comments to Support JD:

Feature ID:
7E

A. REPORT COMPLETION DATE FOR AP	PROVED JURI	SDICTION	IAL DETERMINATI	ON (JD):	May 15	, 2020	
B. DISTRICT OFFICE, FILE NAME, AND N	IUMBER: L	os Angele	es District, File No.	Pending			
C. PROJECT LOCATION AND BACKGROU	UND INFORM	ATION:	Drainage Feature	7E			
State: AZ County/Parish/b	orough: P	inal Count	Y		City:	Superior	
Center coordinates of site: Lat. 33	.30979°N	Lon	g111.039659°W				
Name of nearest waterbody: Quee	n Creek						
Name of nearest Traditional Navigable Gila River between Powers Butte			the aquatic resource	e flows:			
Name of watershed or Hydrologic Unit	Code (HUC):	150	50100				
Check if map/diagram of review areCheck if other sites (e.g, offsite mitig different JD form.		-	•	•	•	are recorded	d on a
D. REVIEW PERFORMED FOR SITE EVAI	LUATION (CH	CK ALL T	HAT APPLY):				
✓ Office (Desk) Determination. Date:☐ Field Determination. Date(s):	05/2020						
SECTION II: SUMMARY OF FINDINGS A. RHA SECTION 10 DETERMINATION	OF JURISDIC	ΓΙΟΝ.					
There Are No "navigable waters of the the review area. Waters subject to the ebb and flow o Waters are presently used, or have be B. CWA SECTION 404 DETERMINATIO	f the tide. een used in the	past, or m		·			
There Are No "waters of the U.S." wit area.	hin Clean Wate	r Act (CW	A) jurisdiction (as de	fined by 33	CFR part 3	328) in the rev	view
 Waters of the U.S. Indicate presence of water of U.S. 	S. in review are	a (Check a	all the apply):				
☐ TNWs (new) ☐ Wetlands adjacent to TNWs ☐ Relatively permanent waters (I ☐ Non-RPWs that flow directly of ☐ Wetlands directly abutting RP ☐ Wetlands adjacent to but not of ☐ Wetlands adjacent to non-RPW ☐ Impoundments of jurisdictional	r indirectly into Ws that flow d directly abuttin Vs that flow dir al waters	TNWs irectly or i g RPWs the ectly or ind	ndirectly into TNWs at flow directly or in directly into TNWs) TNWs		
\square Isolated (interstate or intrastat		the reviev	v area				
	s of the U.S. in						
☐ Isolated (interstate or intrastat	s of the U.S. in Linear Fo	et	Width (f	t) and/or		Acres	
Isolated (interstate or intrastate)b. Identify (estimate) size of waters		eet	Width (f	t) and/or		Acres	

jurisdictional if it possessed a significant nexus with a downstream TNW. This drainage does not possess a

significant nexus with the downstream TNW.

Feature	ID:
7E	

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatice resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

L.	TNW Identify TNW:	☐ Vegetation
	Summarize rationale supporting determination:	
2.	Wetland adjacent to TNW	
	Summarize rationale supporting conclusion that wetland is "adja	cent"

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions: Watershed Size (sq mi): 49650 Drainage Area (sq mi): 18 Average Annual Rainfall (in): 1.4 (ii) Physical Characteristics: (a) Relationship with TNW ☐ Tributary flows directly to TNW ☐ Tributary flows through 5 tributaries before entering TNW Project waters are 30 (or more) river miles from TNW

APPROVED JURISDICTIONAL DETERMINATION FORM

Feature ID:

	U.S.	Army Corps of Engineers	7E
Project wate	ers are 30 (or more)	river Miles from tributary to RPW:	
Project water		aerial (straight) miles from tributa	
Project water	ers are 30 (or more)	aerial (straight) miles from tributa	ry to RPW:
Project wate	ers cross or serve as state	boundaries. Explain:	
ldentify flov	v route to TNW Generall	y to Queen Creek to East Maricopa	Floodway to the Gila River
(b) General Tribut	tary Characteristics		
Tributary is:	Natural	Explain:	
Average Average	perties with respect to to Width (ft): 3.11 Depth (ft): 1 Side Slopes: 2:1	p of bank (estimate):	
Primary trib	utary substrate compositi	ion (check all that apply):	
☐ Silts ☐ Cobb ☐ Bedro	les 😈 Gravel	oncrete	
Presence o	f Run/Riffle/Pool Complex		in: Stable
Tributary G			
Tributary G	iradient (approximate ave	rage slope): 2%	
(c) Flow: Tributary Provides for: Estimate average numbe Describe Flow Re Other Information on D	•	ı area/year:	
			······································
Surface Flow is:	Confined	Characteristics:	
Subsurface Flow:	No	Explain:	
☐ Dye (or other) tes	st performed:		
Tributary Has (Check all	that apply):		
☐ Clear, natural lin ☑ Changes in soil c ☐ Shelving	ne apply): OHWM Indicate se impressed on the bank sharacter sed down, bent or absent	ors: ☐ Presence of litter and ☑ Destruction of terrest ☐ Presence of wrack lin ☑ Sediment sorting	rial vegetation

If factors other than the OHWN were used to determine lateral extent of CWA jurisdiction (Check all that apply)

Scour

☐ Multiple observed or predicted flow events

☐ Abrupt change in plant community

✓ Leaf litter disturbed or washed away

✓ Sediment deposition

Water staining

Other (list): ☐ Discontinuous? Explain:

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **7E** High tide line indicated by: Mean High water Mark indicated by: oil or scum line along shore objects survey to available datum fine shell or debris deposits (foreshore) physical markings physical markings/characteristics vegetation lines/changes in vegetation types \square other (iii) Chemical Characteristics: Characterize Tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc): Explain: Identify Specific Pollutants, if known: (iv) Biological Characteristics. Channel supports (check all that apply): Riparian Corridor Characteristics: Wetland Fringe Characteristics: Habitat for: Federally Listed Species Explain findings: Fish/Spawn Areas Explain findings: Other environmentally -sensitive species Explain findings: Aquatic/Wildlife diversity Explain: 2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW (i) Physical Characteristics: (a) General Wetland Characteristics Properties: Wetland Size (ac): Wetland Type, Explain: Wetland Quality, Explain: Project Wetlands Cross or Serve as State Boundaries, Explain: (b) General Flow Relationship with Non-TNW: Wetland Flow is: Explain: Surface Flow is: Characteristics: Subsurface Flow: Explain Findings: (c) Wetland Adjacency Determination with Non-TNW: Wetland Directly Abutting Non-TNW Discrete wetland hydrologic connection Explain: Ecological connection Explain: Separated by berm/barrier Explain: (d) Proximity (Relationship) to TNW

Project Wetlands: River Miles from TNW: Project Wetlands: Aerial Miles from TNW:

Estimate approximate Location of Wetland within Floodplain:

Flow is From:

Feature	ID:
7E	

3.

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; ect.).
Explain
Identify specific pollutants, if know:
iii) Biological Characteristics. Wetland supports (check all that apply):
Riparian Buffer Characteristics (type, average width):
☐ Vegetation type/percent cover. Explain:
Habitat for:
☐ Federally Listed Species Explain:
☐ Fish/Spawn Areas Explain:
Other environmentally-sensitive species Explain:
Aquatic/Wildlife Diversity Explain:
Characteristics of all wetlands adjacent to the tributary (if any)
All wetland(s) being considered in cumulative analysis:
Wetland acres in total being considered in cumulative analysis:
Describe each wetland (directly abuts tributary?; size in acres; overall biological, chemical or physical functions):

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- •Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent welands, then go to SectionIII.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

Feature ID:

TERMINATIONS	OF HIRISDICTION	NAL FINDINGS. THE SUBJEC	CT WATERS/WET! AND	OS ARE ICHECK ALL THA	T ADDIV
		Check all that apply and provi		•	MAFFE
☐ TNWs	Linear Feet:	Width (ft):	TNW Acres		
	jacent to TNWs: A		THAT ACIES		
	-				
	w directly or indirec	•			
	or TNWs where tribi	utaries typically flow year-rou	und are jurisdictional. Pr	ovide data and Rationale	indicatin
	al. Data supporting t	taries have continuous flow ' this conclusion is provided at			
Provide (estimates for jurisdi	ctional waters in the review a	are (check all that apply)	:	
☐ Tribu	tary waters	Linear Feet:	Width (Ft).		
\square Othe	r non-wetland wate	ers: Acres:			
3. Non-RPWs tha	at flow directly or in	ndirectly into TNWs.			
	is jurisdictional. Dat ates of jurisdictional	a supporting this conclusion waters within the review are Width (feet):		-	IS
Provide estima Length (Line 4. Wetlands dire	is jurisdictional. Dat ates of jurisdictional ar Feet): ctly abutting an RPV	waters within the review are Width (feet): W that flow directly or indire	provided at section III.c. ea (check all that apply):	-	IS
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Provide estima Length (Line 4. Wetlands dire Wetlands d Wetlands indicating abutting is season abutting Provide acres	is jurisdictional. Dat ates of jurisdictional ar Feet): ctly abutting an RPN irectly abut RPW and dis directly abutting and that tributary is post and RPW: ds directly abutting and in Section III.B are and RPW and RPW and RPW and RPW age estimates for jurises.	waters within the review are Width (feet): W that flow directly or indire d thus are jurisdictional as ac an RPW where tributaries type erennial in Section III.D.2, ab an RPW where tributaries type an RPW where tributaries type an RPW where tributaries type and rationale in Section III.D.2	provided at section III.c. ea (check all that apply):	Provide data and rationale ndicating that wetland is d Provide data indicating t e indicating that wetland i	i irectly hat tribu
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Provide estimated Length (Line 4. Wetlands directly Wetlands of Wetlands indicating abutting Wetlands is seasong abutting Provide acress S. Wetlands adjacent and supporting wetlands to adjacent and supporting the seasong abutting wetlands adjacent and supporting the seasong abutting wetlands adjacent and supporting the seasong adjacent and supporting the seasong abutting the seasong adjacent and supporting the seasong adjacent and seasong adjacent and seasong adjacent and seasong adjacent and	is jurisdictional. Dat ates of jurisdictional ar Feet): ctly abutting an RPN irectly abutting a fig that tributary is per and RPW: ds directly abutting a final in Section III.B are and RPW and RPW and RPW are estimates for juricent to but not directly and with similarly situation is per and with similarly situation.	waters within the review are Width (feet): W that flow directly or indire d thus are jurisdictional as ac an RPW where tributaries typ berennial in Section III.D.2, ab an RPW where tributaries typ and rationale in Section III.D.2 risdictional wetland in the revectly abutting an RPW that fle abut an RPW, but when considuated adjacent wetlands, hav	provided at section III.c. ea (check all that apply):	Provide data and rationale ndicating that wetland is defended by the provide data indicating the indicating that wetland in the tributary to which	irectly hat tribu s directl
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Provide estimated Length (Line) 4. Wetlands dires Wetlands of Wetlands indicating abutting Wetlands is seasong abutting Provide acres S. Wetlands adjacent are supporting Provide acres Provide acres Supporting Suppo	is jurisdictional. Data at the sof jurisdictional ar Feet): ctly abutting an RPN irectly abutting and the sof jurisdiction and RPW: ds directly abutting and RPW: ds directly abutting and RPW: ds directly abutting and in Section III.B are and RPW and RPW are estimates for jurisdiction is properties. The sonclusion is properties and management and similarly situation that do not directly and with similarly situation is properties. The sonclusion is properties are estimates for jurisdiction and management and management are such waters, are to such waters, are feet to such waters.	waters within the review are Width (feet): W that flow directly or indirectly or wetlands, have a significant wetlands.	provided at section III.c. pa (check all that apply):	Provide data and rationale adicating that wetland is defined in the provide data indicating the indicating that wetland in the tributary to which the a TNW are jurisidictional tributary to which the tributary to which the tributary to which the a TNW are jurisidictional tributary to which they are	hat tribus directly they are

E. ISOLATED WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE

Demonstration of Jurisdiction:

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **7E** Supporting rationale: Length (linear feet): Acres: F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS: Non-Jurisdictional Waters: Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain finding of no Significant Nexus: The characteristics of the surface water features within the current Analysis Area and the flowpath to the TNW eliminate the potential for a more than insubstantial hydrologic connection to exist between the Analysis Area and the downgradient TNW. The surface water features within the current Analysis Area do not either contribute or filter pollutants, or contribute sediments at an amount or frequency that would affect the chemical or physical integrity of the downstream TNW. They do not provide significant habitat or life cycle support functions for any species population found within the TNW, do not affect the aquatic habitat of or the amount of nutrient transport to the TNW reach of the Gila River, and do not have a more than insubstantial effect on the biological integrity of this TNW. As such, there is no significant nexus between the surface water features within the current Analysis Area and the downgradient TNW and, as such, these features are not a jurisdictional Waters. Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply): Non wetland-Waters (i.e., rivers, streams): linear feet: width (ft): ☐ Other Non-wetland Waters MBR acres: acres: Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply): ✓ Non-wetland waters 521.26 linear feet (ft), 3.11 width (ft) Other waters acres Wetlands acres **SECTION IV: DATA SOURCES** A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below): ✓ Maps, Plans, Plots or Plat Submitted by Applicant/Consultant: WestLand Resources, Inc. Data Sheets Prepared/Submitted by or on behalf of Applicant/Consultant Office Concurs with data sheets/delineation report Office Does Not Concur with data sheets/delineation report Data Sheets Prepared by the Corps Corps Navigable Water Study US Geological Survey Hydrologic Atlas USGS NHD Data

☐ USGS 8 and 12 digit HUC Maps

Superior 7.5-Minute Quadrangle

Scale and Quad Name:

US Geological Survey Map(s)

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 7E ☐ USDA Nat'l Res Conservation Service Soil Survey Citation: ☐ National Wetlands Inventory Maps Cite Map Name: ☐ State/Local Wetland Inventory Maps ☐ FEMA/FIRM Maps: ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929) Aerial Photographs (Name and Date): 2019 USDA NAIP Orthophoto Other Photographs (Name and Date): Previous Determinations File No. and Date of Response Letter: ☐ Applicable/Supporting Case Law Citation: ☐ Applicable/Supporting Scientific Literature Citation: Other Information, Please Specify:

Additional Comments to Support JD:

Feature ID:
7F

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JE	D): May 15, 2020
B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Los Angeles District, File No. Pendi	ing
C. PROJECT LOCATION AND BACKGROUND INFORMATION: Drainage Feature 7F	
State: AZ County/Parish/borough: Pinal County	City: Superior
Center coordinates of site: Lat. 33.30979°N Long111.039659°W	
Name of nearest waterbody: Queen Creek	
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Gila River between Powers Butte and Gillespie Dam	:
Name of watershed or Hydrologic Unit Code (HUC): 15050100	
 Check if map/diagram of review are and/or potential jurisdictional areas is/are available Check if other sites (e.g, offsite mitigation sites, disposal sites, etc) are associated with different JD form. 	•
D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):	
✓ Office (Desk) Determination. Date: 05/2020☐ Field Determination. Date(s):	
SECTION II: SUMMARY OF FINDINGS A. RHA SECTION 10 DETERMINATION OF JURISDICTION.	
There Are No "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction the review area. Waters subject to the ebb and flow of the tide. Waters are presently used, or have been used in the past, or may be susceptible for use to the ebb and flow of the tide.	
B. CWA SECTION 404 DETERMINATION OF JURISDICTION	
There Are No "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined b area. 1. Waters of the U.S.	by 33 CFR part 328) in the review
a. Indicate presence of water of U.S. in review area (Check all the apply): TNWs (new) Wetlands adjacent to TNWs Relatively permanent waters (RPWs) that flow directly or indirectly into TNWs Non-RPWs that flow directly or indirectly into TNWs Wetlands directly abutting RPWs that flow directly or indirectly into TNWs Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs Impoundments of jurisdictional waters Isolated (interstate or intrastate) waters, including isolated wetlands	y into TNWs
b. Identify (estimate) size of waters of the U.S. in the review area	
Non-Wetlands waters Linear Feet Width (ft) and/	or Acres
Wetlands Acres:	

Explain: Drainage is ephemeral and does not qualify as a TNW or RPW. Therefore, this drainage could only be considered jurisdictional if it possessed a significant nexus with a downstream TNW. This drainage does not possess a

significant nexus with the downstream TNW.

Feature		re	e ID:							
7F										

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatice resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1.	Identify TNW:	☐ Vegetation
	Summarize rationale supporting determination:	
2.	Wetland adjacent to TNW	

Summarize rationale supporting conclusion that wetland is "adjacent"

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions: Watershed Size (sq mi): 49650 Drainage Area (sq mi): 18 Average Annual Rainfall (in): 1.4 (ii) Physical Characteristics: (a) Relationship with TNW ☐ Tributary flows directly to TNW ☐ Tributary flows through 5 tributaries before entering TNW Project waters are 30 (or more) river miles from TNW

ADDROVED HUDISDISTIONAL DETERMINATION FORM	Feature ID:
APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers	7F
Project waters are 30 (or more) river Miles from tributary to RPW:	
Project waters are 30 (or more) aerial (straight) miles from tributary to TN	W:
Project waters are 30 (or more) aerial (straight) miles from tributary to RP	W:
Project waters cross or serve as state boundaries. Explain:	
Identify flow route to TNW Generally to Queen Creek to East Maricopa Floodwa	y to the Gila River
(b) General Tributary Characteristics	
Tributary is: Natural Explain:	
Average Side Slopes: 2:1 Primary tributary substrate composition (check all that apply): Silts Sands Concrete Muck Cobbles Gravel Bedrock Substrate - Vegetation Other, Explain:	
Tributary Condition/Stability [e.g., highly eroding, sloughing banks. Explain: Presence of Run/Riffle/Pool Complexes. Explain: None present.	table
Tributary Geometry: Relatively Straight	
Tributary Gradient (approximate average slope): 2%	
(c) Flow: Tributary Provides for: Ephemeral Flow Estimate average number of flow events in review area/year: Describe Flow Regime: Ephemeral.	
Other Information on Duration and Volume:	
Confined Characteristics	

Tributary Provides for: Estimate average num Describe Flow F	ber of flow events in revie	ew area/year:
Other Information on	Duration and Volume:	
Surface Flow is:	Confined	Characteristics:
Subsurface Flow:	No	Explain:
\square Dye (or other) t	est performed:	
☐ Clear, natural✓ Changes in soi☐ Shelving		nk ☐ Presence of litter and debris ✓ Destruction of terrestrial vegetation ☐ Presence of wrack line
	itted down, bent or abser urbed or washed away	nt ✓ Sediment sorting ☐ Scour
✓ Sediment depo	osition	Multiple observed or predicted flow eventsAbrupt change in plant community
Other (list):		
Discontinuous?	Explain:	

If factors other than the OHWN were used to determine lateral extent of CWA jurisdiction (Check all that apply)

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 7F High tide line indicated by: Mean High water Mark indicated by: oil or scum line along shore objects survey to available datum fine shell or debris deposits (foreshore) physical markings physical markings/characteristics vegetation lines/changes in vegetation types \square other (iii) Chemical Characteristics: Characterize Tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc): Explain: Identify Specific Pollutants, if known: (iv) Biological Characteristics. Channel supports (check all that apply): Riparian Corridor Characteristics: Wetland Fringe Characteristics: Habitat for: Federally Listed Species Explain findings: Fish/Spawn Areas Explain findings: Other environmentally -sensitive species Explain findings: Aquatic/Wildlife diversity Explain: 2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW (i) Physical Characteristics: (a) General Wetland Characteristics Properties: Wetland Size (ac): Wetland Type, Explain: Wetland Quality, Explain: Project Wetlands Cross or Serve as State Boundaries, Explain: (b) General Flow Relationship with Non-TNW: Wetland Flow is: Explain: Surface Flow is: Characteristics: Subsurface Flow: Explain Findings: (c) Wetland Adjacency Determination with Non-TNW: Wetland Directly Abutting Non-TNW Discrete wetland hydrologic connection Explain: Ecological connection Explain: Separated by berm/barrier Explain:

(d) Proximity (Relationship) to TNW

Flow is From:

Project Wetlands: River Miles from TNW: Project Wetlands: Aerial Miles from TNW:

Estimate approximate Location of Wetland within Floodplain:

Featu	ire ID:					
7F						

3.

Characteriz characterist	e wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed
Explain	.tes. cet.j.
ldentify spe	cific pollutants, if know:
iii) Biological (Characteristics. Wetland supports (check all that apply):
Riparia	an Buffer Characteristics (type, average width):
Vegeta	ation type/percent cover. Explain:
Habitat fo	r:
Fede	erally Listed Species Explain:
Fish	/Spawn Areas Explain:
Oth	er environmentally-sensitive species Explain:
☐ Aqu	atic/Wildlife Diversity Explain:
Characteristic	s of all wetlands adjacent to the tributary (if any)
All wetland(s) being considered in cumulative analysis:
Wetland acr	es in total being considered in cumulative analysis:
Describe eac	h wetland (directly abuts tributary?; size in acres; overall biological, chemical or physical functions):

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- •Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent welands, then go to SectionIII.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

Feature ID:

	0.3. Army cor	ps or Ling		/F	
ETERMINATIONS OF JURISDICTIONAL	FINDINGS, THE SUB	RIFCT WA	TERS/WETI AND	S ARF (CHECK A	ΙΙ ΤΗΔΤ ΔΡΡΙΥ):
1. TNWs and Adjacent Wetlands. Chec			-	•	an ilini ni i ni i
☐ TNWs Linear Feet:	Width (ft):		TNW Acres		
			TIVW ACICS		
☐ Wetlands adjacent to TNWs: Acres					
2. RPWs that flow directly or indirectly	into TNWs				
Tributaries of TNWs where tributar that tributary is perennial:	ies typically flow year-	-round are	e jurisdictional. Pro	ovide data and Rat	tionale indicating
 Tributaries of TNW where tributarion jurisdictional. Data supporting this flows seasonally: 					
Provide estimates for jurisdictio	nal waters in the revie	ew are (ch	eck all that apply):		
☐ Tributary waters	Linear Feet:		Width (Ft).		
\Box Other non-wetland waters:	Acres:				
3. Non-RPWs that flow directly or indire	ectly into TNWs				
Waterbody that is not a TNW or an	•	lu or indir	actly into a TNIM	and it has signifies	int novus
with a TNW is jurisdictional. Data su		-	-	and it has significa	int nexus
Provide estimates of jurisdictional wat	ters within the review	area (che	ck all that apply):		
Length (Linear Feet):	Width (feet):		Acres:		
4. Wetlands directly abutting an RPW ti	hat flow directly or in	directly in	to TNWs.		
☐ Wetlands directly abut RPW and th	ius are iurisdictional as	s adiacent	wetlands.		
Wetlands directly abutting an R indicating that tributary is perel abutting and RPW:	RPW where tributaries	typically f	flow year-round. P		
☐ Wetlands directly abutting an R is seasonal in Section III.B and rabutting and RPW					_
Provide acreage estimates for jurisdi	ictional wetland in the	review ar	rea: Acres:		
5. Wetlands adjacent to but not directly	y abutting an RPW tha	at flow dir	ectly or indirectly	into TN	
Wetlands that do not directly abut adjacent and with similarly situate supporting this conclusion is provided.	t an RPW, but when co d adjacent wetlands, h	onsidered	in combination wi	th the tributary to	•
Provide acreage estimates for jurisdic	tional wetland in the r	eview are	a: Acres:		
6. Wetlands adjacent to non-RPWs that f	flow directly or indire	ctly into T	NWs.		
Wetlands adjacent to such waters, and and with similarly situated adjacent w conclusion is provided at Section III.C.	etlands, have a signific				
Provide estimates for jurisdictional we		ea (in acro	es):		
-		(401	,.		
Impoundments of jurisdictional waters.					
Demonstration of Jurisdiction:					

E. ISOLATED WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 7F Supporting rationale: Length (linear feet): Acres: F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS: Non-Jurisdictional Waters: Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain finding of no Significant Nexus: The characteristics of the surface water features within the current Analysis Area and the flowpath to the TNW eliminate the potential for a more than insubstantial hydrologic connection to exist between the Analysis Area and the downgradient TNW. The surface water features within the current Analysis Area do not either contribute or filter pollutants, or contribute sediments at an amount or frequency that would affect the chemical or physical integrity of the downstream TNW. They do not provide significant habitat or life cycle support functions for any species population found within the TNW, do not affect the aquatic habitat of or the amount of nutrient transport to the TNW reach of the Gila River, and do not have a more than insubstantial effect on the biological integrity of this TNW. As such, there is no significant nexus between the surface water features within the current Analysis Area and the downgradient TNW and, as such, these features are not a jurisdictional Waters. Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the est

Non wetland-Waters (i.e., ri	ivers, streams):	linear feet :	width (ft):	
Other Non-wetland Waters	MBR ac	res:		
\square Wetlands MBR acres:				
Provide acreage estimates for n	on-iurisdictiona	l waters in the reviev	/ area that do not meet	t the "Significant Nexus" standar
Provide acreage estimates for n where such a finding is required	=			t the "Significant Nexus" standar
_	for jurisdiction			t the "Significant Nexus" standar
where such a finding is required	for jurisdiction	(check all that apply	:	t the "Significant Nexus" standar

SECTION IV: DATA SOURCES

A. SUPPORTING D	ATA. Data reviewed for JD (check all that apply - check	ed items shall be included in case file	e and, where
checked and requi	ested, appropriately reference	e sources below):		
Maps, Plans,	Plots or Plat Submitted by	Applicant/Consultant:	WestLand Resources, Inc.	
✔ Data Sheets	Prepared/Submitted by or on	behalf of Applicant/Consult	tant	
Office Co	ncurs with data sheets/deline	ation report		
Office Do	es Not Concur with data shee	ts/delineation report		

Office Does Not Concur with data sheets/delineat
☐ Data Sheets Prepared by the Corps
Corps Navigable Water Study
US Geological Survey Hydrologic Atlas
USGS NHD Data
☐ USGS 8 and 12 digit HUC Maps

US Geological Survey Map(s) Scale and Quad Name: Superior 7.5-Minute Quadrangle

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 7F ☐ USDA Nat'l Res Conservation Service Soil Survey Citation: ☐ National Wetlands Inventory Maps Cite Map Name: ☐ State/Local Wetland Inventory Maps ☐ FEMA/FIRM Maps: ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929) Aerial Photographs (Name and Date): 2019 USDA NAIP Orthophoto Other Photographs (Name and Date): Previous Determinations File No. and Date of Response Letter: ☐ Applicable/Supporting Case Law Citation: ☐ Applicable/Supporting Scientific Literature Citation: Other Information, Please Specify:

Additional Comments to Support JD:

Feature	ID:
7G	

Th

	PPROVED JURISDICTION	NAL DETERMINATION	I (JD): May 1!	5, 2020
B. DISTRICT OFFICE, FILE NAME, AND	NUMBER: Los Angel	es District, File No. Pe	nding	
C. PROJECT LOCATION AND BACKGRO	OUND INFORMATION:	Drainage Feature	7G	
State: AZ County/Parish/	borough: Pinal Coun	ty	City:	Superior
Center coordinates of site: Lat. 3	3.30979°N Lon	g111.039659°W		
Name of nearest waterbody: Que	en Creek			
Name of nearest Traditional Navigable Gila River between Powers Butte		the aquatic resource flo	ows:	
Name of watershed or Hydrologic Uni	t Code (HUC): 150	50100		
Check if map/diagram of review are Check if other sites (e.g, offsite mitidifferent JD form.	· · ·		•	
D. REVIEW PERFORMED FOR SITE EVA	ALUATION (CHECK ALL T	HAT APPLY):		
Office (Desk) Determination. DateField Determination. Date(s):	: 05/2020			
SECTION II: SUMMARY OF FINDINGS A. RHA SECTION 10 DETERMINATION	N OF JURISDICTION.			
There Are No "navigable waters of the the review area. Waters subject to the ebb and flow Waters are presently used, or have B. CWA SECTION 404 DETERMINATION There Are No "waters of the U.S." with the content of the U.S."	peen used in the past, or r	nay be susceptible for u	se to transport in	terstate or foreign commerc
area. 1. Waters of the U.S.				
a. Indicate presence of water of U TNWs (new) Wetlands adjacent to TNWs Relatively permanent waters Non-RPWs that flow directly abutting R Wetlands adjacent to but not Wetlands adjacent to non-RP Impoundments of jurisdiction	(RPWs) that flow directly or indirectly into TNWs PWs that flow directly or directly abutting RPWs the Ws that flow directly or in all waters	or indirectly into TNWs ndirectly into TNWs at flow directly or indir directly into TNWs	ectly into TNWs	
	rs of the U.S. in the reviev	v area		
b. Identify (estimate) size of wate	Linear Feet	Width (ft) a	nd/or	Acres
Non-Wetlands waters				

jurisdictional if it possessed a significant nexus with a downstream TNW. This drainage does not possess a

significant nexus with the downstream TNW.

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Feature	e ID:
7G	

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatice resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1.	TNW Identify TNW:	☐ Vegetation
	Summarize rationale supporting determination:	
2.	Wetland adjacent to TNW	
	Summarize rationale supporting conclusion that wetland is "adja	cent"

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions: Watershed Size (sq mi): 49650 Drainage Area (sq mi): 18 Average Annual Rainfall (in): 1.4 (ii) Physical Characteristics: (a) Relationship with TNW ☐ Tributary flows directly to TNW ☐ Tributary flows through 5 tributaries before entering TNW Project waters are 30 (or more) river miles from TNW

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **7G** Project waters are 30 (or more) river Miles from tributary to RPW: Project waters are 30 (or more) aerial (straight) miles from tributary to TNW: Project waters are 30 (or more) aerial (straight) miles from tributary to RPW: Project waters cross or serve as state boundaries. Explain: Identify flow route to TNW Generally to Queen Creek to East Maricopa Floodway to the Gila River (b) General Tributary Characteristics Tributary is: Natural Explain: Tributary properties with respect to top of bank (estimate): Average Width (ft): 2.50 Average Depth (ft): 1 Average Side Slopes: 2:1 Primary tributary substrate composition (check all that apply): Sands Concrete Cobbles Gravel ☐ Bedrock ☐ Substrate - Vegetation Other, Explain: Tributary Condition/Stability [e.g., highly eroding, sloughing banks. Explain: Stable Presence of Run/Riffle/Pool Complexes. Explain: None present. Tributary Geometry: Relatively Straight Tributary Gradient (approximate average slope): 2%

•	Ephemeral Flow r of flow events in review gime: Ephemeral.	area/year:
Other Information on Du	ıration and Volume:	
Surface Flow is:	Confined	Characteristics:
Subsurface Flow:	No	Explain:
\square Dye (or other) tes	t performed:	
•	that apply): e apply): OHWM Indicato e impressed on the bank	rs: Presence of litter and debris
Changes in soil ch		✓ Destruction of terrestrial vegetation
Shelving✓ Vegetation matte✓ Leaf litter disturb✓ Sediment deposi✓ Water staining		 □ Presence of wrack line ☑ Sediment sorting □ Scour □ Multiple observed or predicted flow events □ Abrupt change in plant community
Other (list):		
Discontinuous? Ex	xplain:	

If factors other than the OHWN were used to determine lateral extent of CWA jurisdiction (Check all that apply)

(c) Flow:

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **7G** High tide line indicated by: Mean High water Mark indicated by: oil or scum line along shore objects survey to available datum fine shell or debris deposits (foreshore) physical markings physical markings/characteristics vegetation lines/changes in vegetation types \square other (iii) Chemical Characteristics: Characterize Tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc): Explain: Identify Specific Pollutants, if known: (iv) Biological Characteristics. Channel supports (check all that apply): Riparian Corridor Characteristics: Wetland Fringe Characteristics: Habitat for: Federally Listed Species Explain findings: Fish/Spawn Areas Explain findings: Other environmentally -sensitive species Explain findings: Aquatic/Wildlife diversity Explain: 2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW (i) Physical Characteristics: (a) General Wetland Characteristics Properties: Wetland Size (ac): Wetland Type, Explain: Wetland Quality, Explain: Project Wetlands Cross or Serve as State Boundaries, Explain: (b) General Flow Relationship with Non-TNW: Wetland Flow is: Explain: Surface Flow is: Characteristics: Subsurface Flow: Explain Findings: (c) Wetland Adjacency Determination with Non-TNW: Wetland Directly Abutting Non-TNW Discrete wetland hydrologic connection Explain: Ecological connection Explain: Separated by berm/barrier Explain: (d) Proximity (Relationship) to TNW

Project Wetlands: River Miles from TNW: Project Wetlands: Aerial Miles from TNW:

Estimate approximate Location of Wetland within Floodplain:

Flow is From:

Feature ID:	
7G	

(iii	Chem	iical	Cha	racte	ristics
------	------	-------	-----	-------	---------

3.

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; ect.).
Explain
Identify specific pollutants, if know:
iii) Biological Characteristics. Wetland supports (check all that apply):
Riparian Buffer Characteristics (type, average width):
☐ Vegetation type/percent cover. Explain:
Habitat for:
☐ Federally Listed Species Explain:
☐ Fish/Spawn Areas Explain:
Other environmentally-sensitive species Explain:
Aquatic/Wildlife Diversity Explain:
Characteristics of all wetlands adjacent to the tributary (if any)
All wetland(s) being considered in cumulative analysis:
Wetland acres in total being considered in cumulative analysis:
Describe each wetland (directly abuts tributary?; size in acres; overall biological, chemical or physical functions):

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- •Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent welands, then go to SectionIII.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

Feature ID:

ETERMINATIONS	S OF HIRISDICTION	AL FINDINGS THE SURJECT	T WATERS/WETI AND	S ARE (CHECK ALL THAT APP
		heck all that apply and provid	-	•
☐ TNWs	Linear Feet:	Width (ft):	TNW Acres	
	ljacent to TNWs: Acr		TIVV Acres	
	w directly or indirect	•		
	of TNWs where tribu ry is perennial:	taries typically flow year-rour	nd are jurisdictional. Pro	vide data and Rationale indicat
	al. Data supporting th			y three months each year) are onale indicating that tributary
Provide	estimates for jurisdic	tional waters in the review ar	e (check all that apply):	
☐ Tribu	itary waters	Linear Feet:	Width (Ft).	
\square Othe	r non-wetland water	s: Acres:		
3. Non-RPWs tha	at flow directly or inc	directly into TNWs.		
	ates of jurisdictional v	a supporting this conclusion p waters within the review area Width (feet):		and it has significant nexus
Provide estima Length (Line 4. Wetlands dire	ates of jurisdictional var Feet): ctly abutting an RPW	waters within the review area Width (feet): V that flow directly or indirec	(check all that apply): Acres: ctly into TNWs.	
Provide estima Length (Line 4. Wetlands dire Wetlands d Wetlands d indicatir	ates of jurisdictional var Feet): ctly abutting an RPW irectly abut RPW and ds directly abutting a	waters within the review area Width (feet): V that flow directly or indirect I thus are jurisdictional as adjusted in RPW where tributaries typic	Acres: Acres: ctly into TNWs. acent wetlands. cally flow year-round. Pr	
Provide estima Length (Line 4. Wetlands dire Wetlands d indicatinabuttine Wetland is seaso	ates of jurisdictional var Feet): ctly abutting an RPW irectly abut RPW and directly abutting and that tributary is per and RPW: ds directly abutting and RPW:	Width (feet): Width	Acres: Acres: Ctly into TNWs. acent wetlands. cally flow year-round. Prove. Provide rationale incommended in the comment of the comment o	rovide data and rationale
Provide estima Length (Line 4. Wetlands dire Wetlands d Wetlands indicating abutting is season abutting	ates of jurisdictional var Feet): ctly abutting an RPW irectly abut RPW and dis directly abutting and that tributary is personal RPW: dis directly abutting and directly abutting and RPW: dis directly abutting and directly abutting and RPW and RPW	Width (feet): Width	Acres: Acres: Ctly into TNWs. accent wetlands. cally flow year-round. Prove. Provide rationale incompleted in the control of the control	rovide data and rationale dicating that wetland is directly Provide data indicating that trik
Provide estima Length (Line 4. Wetlands dire Wetlands d Wetland indicatin abutting Wetland is season abutting Provide acres	ates of jurisdictional var Feet): ctly abutting an RPW irectly abut RPW and dis directly abutting and that tributary is per and RPW: dis directly abutting and all in Section III.B and and RPW age estimates for juri	Width (feet): Width	Acres:	rovide data and rationale dicating that wetland is directly Provide data indicating that trik indicating that wetland is direc
Provide estima Length (Line 4. Wetlands dire Wetlands d Wetlands indicating abutting Wetland is season abutting Provide acres 5. Wetlands adja Wetlands to adjacent ar	ates of jurisdictional var Feet): ctly abutting an RPW irectly abut RPW and dis directly abutting and RPW: dis directly abutting and RPW: dis directly abutting and RPW: dis directly abutting and RPW age estimates for jurice and RPW age and RPW age as imates for jurice at the but not directly about the directly about the directly about the directly about the directly about with similarly situations.	Width (feet): Width (feet): Width (feet): Withat flow directly or indirectly or ind	Acres: Acres:	rovide data and rationale dicating that wetland is directly Provide data indicating that trik indicating that wetland is direc
Provide estimated Length (Line 4. Wetlands directly Wetlands directly Wetlands directly Wetlands is season abutting Provide acres 5. Wetlands adjacent are supporting	ates of jurisdictional var Feet): ctly abutting an RPW irectly abut RPW and its directly abutting and RPW: ds directly abutting and RPW: ds directly abutting and RPW: and RPW and RPW age estimates for juring and with similarly situated this conclusion is pro-	Width (feet): Width (feet): Width (feet): Withat flow directly or indirectly or ind	Acres: Acres: Acres: Acres: Acres: Acres: Acres: Acres: Accent wetlands. Cally flow year-round. Prove. Provide rationale incompleted in accent wetlands. Cally flow "Seasonally". Above. Provide rationale Acres:	rovide data and rationale dicating that wetland is directly Provide data indicating that trik indicating that wetland is direc into TN th the tributary to which they a
Provide estimate Length (Line 4. Wetlands dire Wetlands dire Wetlands indicating abutting Wetlands is seasong abutting Provide acrease Provide acrease Provide acrease	etes of jurisdictional var Feet): ctly abutting an RPW irectly abut RPW and is directly abutting and that tributary is per and RPW: ds directly abutting and in Section III.B and and RPW age estimates for jurisdicent to but not directly abutting and with similarly situation is progenical in Section in Section is progenical in Section in	Width (feet): Width (feet): Width (feet): Withat flow directly or indirectly or ind	Acres: Acres: Acres: Acres: Acres: Acres: Acres: Accent wetlands. Cally flow year-round. Prove. Provide rationale incompleted in accent wetlands. Cally flow "Seasonally". Above. Provide rationale Bew area: Acres: Acres: Acres: Acres: Acres: Acres: Acres: Acres:	rovide data and rationale dicating that wetland is directly Provide data indicating that trik indicating that wetland is direc into TN th the tributary to which they a
Provide estimated Length (Line) 4. Wetlands dire Wetlands dire Wetlands indicating abutting wetlands is seasong abutting. Provide acres 5. Wetlands adjacent and supporting. Provide acreage 6. Wetlands adjacent and with similar adjacent and with similar a	etes of jurisdictional var Feet): ctly abutting an RPW irectly abut RPW and its directly abutting and that tributary is per and RPW: ds directly abutting and in Section III.B and and RPW age estimates for jurisdicted with similarly situation of the conclusion is progenical in Section III.B and its conclusion is progenical in Section III.B and that do not directly about this conclusion is progenical in Section III.B and the conclusion is pro	Width (feet): V that flow directly or indirectly in thus are jurisdictional as adjain RPW where tributaries typic erennial in Section III.D.2, about a rationale in Section III.D.2 a disdictional wetland in the review of the r	Acres: Acres: Acres: Acres: Acres: Acres: Accent wetlands. Cally flow year-round. Prove. Provide rationale incompleted in a completed in a significant nexus with a significant nexus with a combination with the total combination wi	rovide data and rationale dicating that wetland is directly Provide data indicating that trik indicating that wetland is direc into TN th the tributary to which they a

E. ISOLATED WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE

Demonstration of Jurisdiction:

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **7G** Supporting rationale: Length (linear feet): Acres: F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS: Non-Jurisdictional Waters: Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain finding of no Significant Nexus: The characteristics of the surface water features within the current Analysis Area and the flowpath to the TNW eliminate the potential for a more than insubstantial hydrologic connection to exist between the Analysis Area and the downgradient TNW. The surface water features within the current Analysis Area do not either contribute or filter pollutants, or contribute sediments at an amount or frequency that would affect the chemical or physical integrity of the downstream TNW. They do not provide significant habitat or life cycle support functions for any species population found within the TNW, do not affect the aquatic habitat of or the amount of nutrient transport to the TNW reach of the Gila River, and do not have a more than insubstantial effect on the biological integrity of this TNW. As such, there is no significant nexus between the surface water features within the current Analysis Area and the downgradient TNW and, as such, these features are not a jurisdictional Waters. Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply): Non wetland-Waters (i.e., rivers, streams): linear feet: width (ft): ☐ Other Non-wetland Waters MBR acres: acres: Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply): ✓ Non-wetland waters 324.50 linear feet (ft), 2.50 width (ft) Other waters acres Wetlands acres **SECTION IV: DATA SOURCES** A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below): ✓ Maps, Plans, Plots or Plat Submitted by Applicant/Consultant: WestLand Resources, Inc. Data Sheets Prepared/Submitted by or on behalf of Applicant/Consultant Office Concurs with data sheets/delineation report Office Does Not Concur with data sheets/delineation report Data Sheets Prepared by the Corps Corps Navigable Water Study US Geological Survey Hydrologic Atlas

USGS NHD Data

US Geological Survey Map(s)

☐ USGS 8 and 12 digit HUC Maps

Superior 7.5-Minute Quadrangle

Scale and Quad Name:

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 7G ☐ USDA Nat'l Res Conservation Service Soil Survey Citation: ☐ National Wetlands Inventory Maps Cite Map Name: ☐ State/Local Wetland Inventory Maps ☐ FEMA/FIRM Maps: ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929) Aerial Photographs (Name and Date): 2019 USDA NAIP Orthophoto Other Photographs (Name and Date): Previous Determinations File No. and Date of Response Letter: ☐ Applicable/Supporting Case Law Citation: ☐ Applicable/Supporting Scientific Literature Citation: Other Information, Please Specify:

Additional Comments to Support JD:

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WP-1A-3

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMAT A. REPORT COMPLETION DATE FOR A		NAL DETERMINATIO	N (JD): May 15	5, 2020
B. DISTRICT OFFICE, FILE NAME, AND		es District, File No. P		,
C. PROJECT LOCATION AND BACKGRO	_	•	WP-1A-3	
State: AZ County/Parish/		<u> </u>	City:	Superior
		ng111.039659°W	City.	Superior
		ig111.059059 W		
Name of nearest waterbody: Que Name of nearest Traditional Navigable Gila River between Powers Butte		the aquatic resource f	lows:	
Name of watershed or Hydrologic Uni		050100		
✓ Check if map/diagram of review are			•	
Check if other sites (e.g, offsite mitidifferent JD form.	gation sites, disposal sites	s, etc) are associated	with this action an	id are recorded on a
D. REVIEW PERFORMED FOR SITE EVA	LUATION (CHECK ALL	ΓΗΑΤ APPLY):		
✓ Office (Desk) Determination. Date☐ Field Determination. Date(s):	: 05/2020			
SECTION II: SUMMARY OF FINDINGS A. RHA SECTION 10 DETERMINATION	N OF JURISDICTION.			
the review area. Waters subject to the ebb and flow Waters are presently used, or have I B. CWA SECTION 404 DETERMINATION There Are No "waters of the U.S." wing area.	peen used in the past, or a	may be susceptible for	use to transport in	iterstate or foreign commerce
1. Waters of the U.S.				
a. Indicate presence of water of U TNWs (new) Wetlands adjacent to TNWs Relatively permanent waters Non-RPWs that flow directly of Wetlands directly abutting R Wetlands adjacent to but not Wetlands adjacent to non-RP Impoundments of jurisdiction	(RPWs) that flow directly or indirectly into TNWs PWs that flow directly or directly abutting RPWs the that flow directly or ir all waters	or indirectly into TNWs indirectly into TNWs nat flow directly or indi adirectly into TNWs		
b. Identify (estimate) size of wate	rs of the U.S. in the revie	w area		
Non-Wetlands waters	Linear Feet	Width (ft)	and/or	Acres
Wetlands Acres:				
c. Limits (boundaries) of Jurisdict	ion based on:			
2. Non-Regulated Waters/Wetlands				
✓ Potentially jurisdictional waters a Explain: Drainage is ephemeral.	nd/or wetlands were asse			

jurisdictional if it possessed a significant nexus with a downstream TNW. This drainage does not possess a

significant nexus with the downstream TNW.

Feature ID:
WP-1A-3

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatice resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1.	Identify TNW:	☐ Vegetation
	Summarize rationale supporting determination:	
2.	Wetland adjacent to TNW	
	Summarize rationale supporting conclusion that wetland is "adja	cent"

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions: Watershed Size (sq mi): 49650 Drainage Area (sq mi): 18 Average Annual Rainfall (in): 1.4 (ii) Physical Characteristics: (a) Relationship with TNW ☐ Tributary flows directly to TNW ☐ Tributary flows through 5 tributaries before entering TNW Project waters are 30 (or more) river miles from TNW

F	e	а	tι	ır	e		D	
٧	۷	P	-1	A	\- :	3		

Project w	aters are 30 (or m	nore) river Mile	es from tributary to RPW:	
Project w	•	•	raight) miles from tributary to Ti	J\A/•
Project w			raight) miles from tributary to RI	
	raters cross or serve a			- vv .
•			•	63 5
identity ti	ow route to INW G	enerally to Queen	Creek to East Maricopa Floodw	ay to the Glia River
(b) General Tril	butary Characteristic	<u>:s</u>		
Tributary is	: Natural	Explain:		
Averaş Averaş Averaş	oroperties with respense Width (ft): 6.1 ge Depth (ft): 1 ge Side Slopes: 2:1	13 L		
Primary t	ributary substrate co	mposition (check a	all that apply):	
Silt		Concrete	☐ Muck	
	bbles 🕝 Gravel drock 🗀 Substrate	V 0+	her, Explain:	
	Sabstiate	V CBCCCCOOT		
			· · · · · · · · · · · · · · · · · · ·	Stable
	of Run/Riffle/Pool C		: None present.	
	i	latively Straight		
Tributary	/ Gradient (approxim	ate average slope)): 2%	
) Flow: Tributary Provides for Estimate average num Describe Flow	ber of flow events in	n review area/year	:	
Other Information or				
			,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
Surface Flow is:	Confined	Characte	eristics:	
Subsurface Flow:	No	Explain:		
\square Dye (or other)	test performed:			
Tributary Has (Check	all that apply):			
	an that apply).			
Bed and BanksOHWM (check al	I the apply): OHWM	Indicators:		
☐ Clear, natural ✓ Changes in so ☐ Shelving ✓ Vegetation mace ✓ Leaf litter dist ✓ Sediment dep	line impressed on th il character atted down, bent or a urbed or washed awa	e bank absent	 □ Presence of litter and debris ☑ Destruction of terrestrial veg □ Presence of wrack line ☑ Sediment sorting □ Scour □ Multiple observed or predict 	
Water staining				
			Abrupt change in plant comr	
Other (list): Discontinuous?				

If factors other than the OHWN were used to determine lateral extent of CWA jurisdiction (Check all that apply)

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers WP-1A-3 High tide line indicated by: Mean High water Mark indicated by: oil or scum line along shore objects survey to available datum fine shell or debris deposits (foreshore) physical markings physical markings/characteristics vegetation lines/changes in vegetation types \square other (iii) Chemical Characteristics: Characterize Tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc): Explain: Identify Specific Pollutants, if known: (iv) Biological Characteristics. Channel supports (check all that apply): Riparian Corridor Characteristics: Wetland Fringe Characteristics: Habitat for: Federally Listed Species Explain findings: Fish/Spawn Areas Explain findings: Other environmentally -sensitive species Explain findings: Aquatic/Wildlife diversity Explain: 2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW (i) Physical Characteristics: (a) General Wetland Characteristics Properties: Wetland Size (ac): Wetland Type, Explain: Wetland Quality, Explain: Project Wetlands Cross or Serve as State Boundaries, Explain: (b) General Flow Relationship with Non-TNW: Wetland Flow is: Explain: Surface Flow is: Characteristics: Subsurface Flow: Explain Findings: (c) Wetland Adjacency Determination with Non-TNW: Wetland Directly Abutting Non-TNW Discrete wetland hydrologic connection Explain: Ecological connection Explain: Separated by berm/barrier Explain:

(d) Proximity (Relationship) to TNW

Flow is From:

Project Wetlands: River Miles from TNW: Project Wetlands: Aerial Miles from TNW:

Estimate approximate Location of Wetland within Floodplain:

Featu	e ID:
WP-1/	ı -3

(ii)	Chem	ical	Chara	cte	ristics:
------	------	------	-------	-----	----------

Characterize wetland system (e.g., water cold characteristics: ect.).	or is clear, brown, oil film on surface; water quality; general watershed
Explain	
Identify specific pollutants, if know:	
(iii) Biological Characteristics. Wetland supports	(check all that apply):
Riparian Buffer Characteristics (type	, average width):
Vegetation type/percent cover. Explai	n:
Habitat for:	
Federally Listed Species Explain:	
Fish/Spawn Areas Explain:	
Other environmentally-sensitive spec	ies Explain:
Aquatic/Wildlife Diversity Explain	n:
3. Characteristics of all wetlands adjacent to the t	ributary (if any)
All wetland(s) being considered in cumulative	analysis:
Wetland acres in total being considered in cur	mulative analysis:
Describe each wetland (directly abuts tributar	y?; size in acres; overall biological, chemical or physical functions):

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- •Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent welands, then go to SectionIII.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

APPRO\	/ED JURISDICTIONAL DETERMINATION FORM	Feature ID:	
	U.S. Army Corps of Engineers	WP-1A-3	

1. TNWs and Ac	ljacent Wetlands. Ch	neck all that a	apply and provide	size estimates in review area:	
☐ TNWs	Linear Feet:		Width (ft):	TNW Acres	
\square Wetlands a	djacent to TNWs: Acr	res:			
2. RPWs that fl	ow directly or indirect	ly into TNWs	5		
	s of TNWs where tribu ary is perennial:	taries typical	ly flow year-round	d are jurisdictional. Provide data and Rationale inc	dicatin
jurisdiction flows seas	nal. Data supporting thonally:	nis conclusior	n is provided at Se	asonally" (e.g., typically three months each year) ction III.B. Provide rationale indicating that tribut	
Provide	e estimates for jurisdic			(check all that apply):	
☐ Trib	outary waters	Line	ear Feet:	Width (Ft).	
Oth	er non-wetland water	s: Acres:			
3. Non-RPWs ti	nat flow directly or inc	directly into	ΓNWs.		
	V is jurisdictional. Data				
Length (Lin	nates of jurisdictional v ear Feet):	Widt	th (feet):	Acres:	
Length (Lin	nates of jurisdictional vear Feet): Tectly abutting an RPW	Widt	th (feet):	Acres: ly into TNWs.	
Length (Lin 4. Wetlands dir Wetlands Wetlands indicat	nates of jurisdictional veer Feet): Tectly abutting an RPW directly abut RPW and nds directly abutting a	Widt / that flow d thus are juri n RPW where	in (feet): irectly or indirect sdictional as adjage tributaries typica	Acres: ly into TNWs.	ectly
Length (Lin 4. Wetlands dir Wetlands Wetlar indicat abuttir Wetlar is seas	nates of jurisdictional vear Feet): Tectly abutting an RPW directly abut RPW and note directly abutting arting that tributary is pended and RPW:	Widt thus are juri RPW where rennial in Se	irectly or indirect sdictional as adjactional as adjactional as adjaction III.D.2, above	Acres: ly into TNWs. cent wetlands. ally flow year-round. Provide data and rationale	t tribu
Length (Lin 4. Wetlands din Wetlands Wetlan indicat abuttin Wetlan is seas abuttir	nates of jurisdictional verset (see the properties): rectly abutting an RPW and an additional verset (see the properties) rectly abutting and directly abutting and RPW: rectly abutting and and directly abutting and and In Section III.B and and III.B and IIII.B and III.B and IIII.B and III.B and IIII.B and IIII.B and IIII.B and III.B and IIII.B and IIIII.B and IIII.B and IIIIII.B and IIIII.B and IIII.B and IIIII.B and IIIII.B and IIII.B and IIIIIII.B and IIIII.B and IIII.B and IIII.B and	Widt I that flow d thus are juri n RPW where erennial in Se n RPW where d rationale in	irectly or indirect sdictional as adja- tributaries typica ction III.D.2, abov tributaries typica tributaries typica	Acres: Iy into TNWs. cent wetlands. ally flow year-round. Provide data and rationale e. Provide rationale indicating that wetland is dire ally flow "Seasonally". Provide data indicating that bove. Provide rationale indicating that wetland is o	t tribu
Length (Lin 4. Wetlands dir Wetlands Wetlands indicat abuttir Wetlar is seas abuttir Provide acre	nates of jurisdictional viear Feet): rectly abutting an RPW directly abut RPW and ads directly abutting arting that tributary is pended and RPW: and directly abutting aronal in Section III.B and and RPW eage estimates for juri	Widt I that flow d thus are juri n RPW where rennial in Se n RPW where d rationale in	irectly or indirect sdictional as adja- etributaries typica ction III.D.2, abov etributaries typica s Section III.D.2 ab	Acres: Iy into TNWs. cent wetlands. ally flow year-round. Provide data and rationale e. Provide rationale indicating that wetland is dire ally flow "Seasonally". Provide data indicating that bove. Provide rationale indicating that wetland is o	t tribu
Length (Lin 4. Wetlands dir Wetlands Wetlands Wetlands abuttin Wetlan is seas abuttin Provide acro 5. Wetlands ad Wetlands adjacent	nates of jurisdictional verse reet): rectly abutting an RPW directly abut RPW and add directly abutting arting that tributary is pends directly abutting aronal in Section III.B and and RPW eage estimates for juricate to but not directly abutting aronal in Section III.B and and RPW eage estimates for juricate to but not directly abutting aronal in Section III.B and and RPW eage estimates for juricate and III.B and and III.	Widt I that flow d thus are juri RPW where rennial in Se RPW where d rationale in sdictional we ctly abutting out an RPW, ated adjacent	irectly or indirect sdictional as adja- etributaries typica ction III.D.2, abov etributaries typica section III.D.2 ab etland in the revie an RPW that flow but when consider	Acres: Iy into TNWs. cent wetlands. ally flow year-round. Provide data and rationale e. Provide rationale indicating that wetland is dire ally flow "Seasonally". Provide data indicating that bove. Provide rationale indicating that wetland is o	t tribu directl
Length (Lin 4. Wetlands dir Wetlands Wetlands abuttin Wetlan is seas abuttin Provide acro 5. Wetlands ad adjacent supportin	nates of jurisdictional viear Feet): rectly abutting an RPW directly abut RPW and ads directly abutting aring that tributary is pende and RPW: ands directly abutting aronal in Section III.B and and RPW eage estimates for juricated to but not directly aband with similarly situated.	Widt I that flow d thus are juri RPW where rennial in Se RPW where d rationale in sdictional we ctly abutting out an RPW, ated adjacent ovided at Sec	irectly or indirect sdictional as adjace tributaries typical etributaries typical etributarie	Acres: Iy into TNWs. cent wetlands. ally flow year-round. Provide data and rationale e. Provide rationale indicating that wetland is directly flow "Seasonally". Provide data indicating that ove. Provide rationale indicating that wetland is overwarea: Acres: V directly or indirectly into TN red in combination with the tributary to which the significant nexus with a TNW are jurisidictional. I	t tribu directl
Length (Lin 4. Wetlands dir Wetlands Wetlands abuttin Wetlar is seas abuttin Provide acres Wetlands adjacent asupportin Provide acres	nates of jurisdictional viear Feet): rectly abutting an RPW directly abut RPW and nots directly abutting arting that tributary is pends directly abutting aronal in Section III.B and and RPW eage estimates for juricated that do not directly aband with similarly situated this conclusion is produced.	Widt I that flow d thus are juri RPW where The RPW where I rationale in Societional we The country abutting The country abut	irectly or indirect sdictional as adjace tributaries typical ction III.D.2, above a tributaries typical Section III.D.2 above an RPW that flow but when consider wetlands, have a tion III.C.	Acres: Ily into TNWs. Interpretation of the provide data and rationale and rationale and rationale indicating that wetland is directly flow "Seasonally". Provide data indicating that wetland is covered. Provide rationale indicating that wetland is covered and acres: In directly or indirectly into TN In red in combination with the tributary to which the significant nexus with a TNW are jurisidictional. It is area: Acres:	t tribu directl
Length (Lin 4. Wetlands dir Wetlands Wetlands abuttin Wetlar is seas abuttin Provide acre 5. Wetlands adjacent supportin Provide acres 6. Wetlands adjand with sim	nates of jurisdictional viear Feet): rectly abutting an RPW directly abut RPW and add directly abutting arting that tributary is pended and RPW: and directly abutting arting and RPW and RPW and RPW and RPW and RPW and RPW are estimates for jurisdiction with similarly situated this conclusion is progressional acent to such waters, acent to such waters,	Widt I that flow d thus are juri RPW where rennial in Se RPW where d rationale in sdictional we ctly abutting but an RPW, ated adjacent byided at Sec dictional wet at flow direct and have wh	irectly or indirect sdictional as adja- etributaries typica ction III.D.2, above etributaries typica section III.D.2 ab etland in the revie an RPW that flow but when consider twetlands, have a tion III.C. land in the review thy or indirectly in en considered in	Acres: Ily into TNWs. Interpretation of the provide data and rationale and rationale and rationale indicating that wetland is directly flow "Seasonally". Provide data indicating that wetland is covered. Provide rationale indicating that wetland is covered and acres: In directly or indirectly into TN In red in combination with the tributary to which the significant nexus with a TNW are jurisidictional. It is area: Acres:	t tribu directl ey are Data

E. ISOLATED WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE

Feature ID:

		U.S. Army Cor	ps of Engineers	WP-1A-3
Supporting rationale:				
Length (linear feet):	Acres	:		
NON-JURISDICTIONAL WATER	S, INCLUDING	WETLANDS:		
Non-Jurisdictional Waters:		ot meet the "Sigr or jurisdiction.	nificant Nexus" standa	ard, where such a finding
Provide acreage estimates for no MBR factors (i.e., presence of m professional judgment (check all	Anal mor Anal with pollu affer not spec habi Gila biolo betv the o juris	ysis Area and the flee than insubstantially ysis Area and the din the current Anally tants, or contributed the chemical or perovide significant lates population four tat of or the amoun River, and do not hopical integrity of the veen the surface well downgradient TNW dictional Waters.	I hydrologic connection lowngradient TNW. The ysis Area do not either se sediments at an amount of the habitat or life cycle supend within the TNW, do not of nutrient transport have a more than insubstis TNW. As such, there ater features within the yand, as such, these features area, where the sole	minate the potential for a to exist between the surface water features contribute or filter unt or frequency that would downstream TNW. They do port functions for any not affect the aquatic to the TNW reach of the stantial effect on the is no significant nexus e current Analysis Area and atures are not a
			. 1.1. (6.)	
☐ Non wetland-Waters (i.e., ri☐ Other Non-wetland Waters			width (ft):	
☐ Wetlands MBR acres:	IVIDI\ a	cres:		
Provide acreage estimates for no where such a finding is required Non-wetland waters	for jurisdiction			eet the "Significant Nexus" sta
Other waters	2210.04	acres	0.15 Wideli (it)	
Wetlands		acres		
CTION IV: DATA SOURCES A. SUPPORTING DATA. Data rev	iewed for JD (c	heck all that apply	- checked items shall b	e included in case file and, w
 checked and requested, appropri Maps, Plans, Plots or Plat Su Data Sheets Prepared/Subm Office Concurs with data Office Does Not Concurs 	bmitted by itted by or on I sheets/deline	Applicant/Consuscendif of Applicant, ation report	/Consultant	esources, Inc.
Data Sheets Prepared by the		,		
Corps Navigable Water Stud	•			
US Geological Survey Hydro				
	Ogic Atlas			
USGS NHD Data	C Mana			
USGS 8 and 12 digit HU	U Maps			
✓ US Geological Survey Map(s Superior 7.5-Minute Qu		l Quad Name:		

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers WP-1A-3 ☐ USDA Nat'l Res Conservation Service Soil Survey Citation: ☐ National Wetlands Inventory Maps Cite Map Name: ☐ State/Local Wetland Inventory Maps ☐ FEMA/FIRM Maps: ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929) Aerial Photographs (Name and Date): 2019 USDA NAIP Orthophoto Other Photographs (Name and Date): Previous Determinations File No. and Date of Response Letter: ☐ Applicable/Supporting Case Law Citation: ☐ Applicable/Supporting Scientific Literature Citation: Other Information, Please Specify:

Additional Comments to Support JD:

ATTACHMENT E
Selected
Jurisdictional
Determination
Forms from
Corps File No.
SPL-201300050-MWL

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

Δ	REPORT COMPLETION D.	ATE FOR APPROVED	HIRISDICTIONAL	DETERMINATION	(ID): 07/28/2011
A.	REPORT COMPLETION D.	A LE FUN AFFNUVED	JUNISDICTIONAL	DETERMINATION	(JD). V//40/4VII

В.	DISTRICT OFFICE, FILE NAME, AND NUMBER: Los Angeles District, File No. SPL-2009-00315-MB
c.	PROJECT LOCATION AND BACKGROUND INFORMATION: Drainage WP1A3 State: AZ County/parish/borough: Pinal City: Superior Center coordinates of site (lat/long in degree decimal format): Lat. 33.302994° N, Long111.10701° N Universal Transverse Mercator: Name of nearest waterbody: Queen Creek Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Gila River from Powers Butte to Gillespie Dam Name of watershed or Hydrologic Unit Code (HUC): 15050100 Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request. Check if other sites (e.g., offsite mitigation sites, disposal sites, etc) are associated with this action and are recorded on a different JD form.
D.	REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY): ○ Office (Desk) Determination. Date: 07/28/2011 Field Determination. Date(s): 06/27 through 07/01/2011, 07/07,07/08, 07/19 and 07/20/2011
	CTION II: SUMMARY OF FINDINGS RHA SECTION 10 DETERMINATION OF JURISDICTION.
revi	waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Explain: """ """ """ """ """ """ """
The	re Are no "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]
	1. Waters of the U.S. a. Indicate presence of waters of U.S. in review area (check all that apply): TNWs, including territorial seas Wetlands adjacent to TNWs Relatively permanent waters ² (RPWs) that flow directly or indirectly into TNWs Non-RPWs that flow directly or indirectly into TNWs Wetlands directly abutting RPWs that flow directly or indirectly into TNWs Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs Impoundments of jurisdictional waters Isolated (interstate or intrastate) waters, including isolated wetlands
	b. Identify (estimate) size of waters of the U.S. in the review area: Non-wetland waters: linear feet: width (ft) and/or acres. Wetlands: acres.
	c. Limits (boundaries) of jurisdiction based on: Pick List Elevation of established OHWM (if known):

Non-regulated waters/wetlands (check if applicable):³ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: Drainages within the review area are ephemeral, and do not qualify as TNW's or RPW's. Therefore, these drainages would only be considered jurisdictional if they possessed a significant nexus with a TNW. None of the drainages in the review area possess a significant nexus with a TNW..

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

TENTAN

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1.	Identify TNW: .	
	Summarize rationale supporting determination: .	
2.	Wetland adjacent to TNW	
	Summarize rationale supporting conclusion that wetland is "adjacent":	

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

Of General Area Conditions: Watershed size: 49,650 square miles Drainage area: 0.064 square miles Average annual rainfall: 18 inches Average annual snowfall: 1.4 inches

(ii) Physical Characteristics:

Relationship with TNW:

Tributary flows directly into TNW.

Tributary flows through \$\frac{s}{s}\$ tributaries before entering TNW.

Project waters are \$30 (or more) river miles from TNW.

Project waters are 30 (or more) aerial (straight) miles from TNW. Project waters are 30 (or more) aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain:

Project waters are 30 (or more) river miles from RPW.

Identify flow route to TNW⁵: Drainage WP1A3 discharges through non-channelized flow to Drainage WP1A. Drainage WP1A discharges to Drainage WP1 which then discharges to Silver King Wash and thence to Queen Creek. The

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

approximately 74 river miles along the Gila to the TNW at Powers Butte.. Tributary stream order, if known: General Tributary Characteristics (check all that apply): Tributary is: Natural Artificial (man-made). Explain: Manipulated (man-altered). Explain: **Tributary** properties with respect to top of bank (estimate): Average width: 2 feet Average depth: Less than 0.5 feet Average side slopes: Vertical (1:1 or less). Primary tributary substrate composition (check all that apply): Silts Concrete Cobbles ☐ Gravel Muck ⊠ Bedrock Vegetation. Type/% cover: Other. Explain: Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Stable. Presence of run/riffle/pool complexes. Explain: Not present. Tributary geometry: Meandering Tributary gradient (approximate average slope): 2 % Tributary provides for: Ephemeral flow Estimate average number of flow events in review area/year: 2-5 Describe flow regime: Ephemeral. Other information on duration and volume: Surface flow is: Confined. Characteristics: Subsurface flow: No. Explain findings: Dye (or other) test performed: Tributary has (check all that apply): Bed and banks OHWM⁶ (check all indicators that apply): clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil \boxtimes destruction of terrestrial vegetation shelving the presence of wrack line vegetation matted down, bent, or absent sediment sorting leaf litter disturbed or washed away scour sediment deposition multiple observed or predicted flow events water staining abrupt change in plant community other (list): ☐ Discontinuous OHWM.⁷ Explain: If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply): High Tide Line indicated by: oil or scum line along shore objects
fine shell or debrief Mean High Water Mark indicated by: survey to available datum; physical markings; fine shell or debris deposits (foreshore) vegetation lines/changes in vegetation types. physical markings/characteristics tidal gauges other (list): (iii) Chemical Characteristics: Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.). Explain: Unknown. Identify specific pollutants, if known: None.

remainder of the flow route to the TNW is Queen Creek to the East Maricopa Floodway to the Gila River, and

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break. Tibid.

			Riparian corridor. Characteristics (type, average width): Wetland fringe. Characteristics: Habitat for: Federally Listed species. Explain findings: Fish/spawn areas. Explain findings: Other environmentally-sensitive species. Explain findings: Aquatic/wildlife diversity. Explain findings:
2.	Cha		eristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW
	(i)		General Wetland Characteristics: Properties: Wetland size: acres Wetland type. Explain: Wetland quality. Explain: Project wetlands cross or serve as state boundaries. Explain:
		(b)	General Flow Relationship with Non-TNW: Flow is: Pick List. Explain:
			Surface flow is: Pick List Characteristics: .
			Subsurface flow: Pick List. Explain findings: Dye (or other) test performed:
		(c)	Wetland Adjacency Determination with Non-TNW: Directly abutting Not directly abutting Discrete wetland hydrologic connection. Explain: Ecological connection. Explain: Separated by berm/barrier. Explain:
		(d)	Proximity (Relationship) to TNW Project wetlands are Pick List river miles from TNW. Project waters are Pick List aerial (straight) miles from TNW. Flow is from: Pick List. Estimate approximate location of wetland as within the Pick List floodplain.
	(ii)	Cha	emical Characteristics: aracterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: attify specific pollutants, if known:
	(iii)	Bio	logical Characteristics. Wetland supports (check all that apply): Riparian buffer. Characteristics (type, average width): Vegetation type/percent cover. Explain: Habitat for: Federally Listed species. Explain findings: Fish/spawn areas. Explain findings: Other environmentally-sensitive species. Explain findings: Aquatic/wildlife diversity. Explain findings:
3.	Cha	All	eristics of all wetlands adjacent to the tributary (if any) wetland(s) being considered in the cumulative analysis: Pick List proximately () acres in total are being considered in the cumulative analysis.

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
- Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: Drainage WP1A3 is located approximately 125 river miles from the nearest TNW, the Gila River between Powers Butte and Gillespie Dam. Evaluation of potential stormwater discharges from the Analysis Area, the hydrological characteristics of the downstream flowpath, the presence of significant impoundments in this flowpath, and the distance to the TNW suggests that no hydrologic connection exists between these Analysis Area drainages and the TNW. Although historic mining activities in the Analysis Area may have contributed to the impairment of Queen Creek for copper, reclamation activities and stormwater controls have significantly reduced or eliminated the discharge of pollutants to downstream receiving waters from this area. However, the reach of the Gila River between the Salt River and Waterman Wash has been sampled for copper, and no exceedances of copper concentrations were identified as part of this sampling effort. As no sources of those pollutants causing the impairment of the downstream TNW reach of the Gila River (which are tied to agricultural runoff) have been identified in the Analysis Area, there does not appear to be a chemical nexus between these drainages and the TNW. Additionally, the Analysis Area drainages do not provide lifecycle support functions, nutrients, or organic carbon to species within the TNW. Drainange WP1A3 does not have a more than speculative or insubstantial effect on the physical, chemical, and/or biological integrity of the TNW. Therefore the Analysis Area surface water features do not possess a significant nexus to the TNW reach of the Gila River between Powers Butte and Gillespie Dam, and are not jursidicational under Section 404 of the Clean Water Act.
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
- D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1.	TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area: TNWs: linear feet width (ft), Or, acres. Wetlands adjacent to TNWs: acres.
2.	RPWs that flow directly or indirectly into TNWs. Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:
	Provide estimates for jurisdictional waters in the review area (check all that apply): Tributary waters: linear feet width (ft). Other non-wetland waters: acres. Identify type(s) of waters: .
3.	Non-RPWs ⁸ that flow directly or indirectly into TNWs. Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.
	Provide estimates for jurisdictional waters within the review area (check all that apply): Tributary waters: linear feet width (ft). Other non-wetland waters: acres. Identify type(s) of waters: .
4.	Wetlands directly abutting an RPW that flow directly or indirectly into TNWs. Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands. Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:
	Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:
	Provide acreage estimates for jurisdictional wetlands in the review area: acres.
5.	Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs. Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C.
	Provide acreage estimates for jurisdictional wetlands in the review area: acres.
6.	Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs. Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.
	Provide estimates for jurisdictional wetlands in the review area: acres.
7.	Impoundments of jurisdictional waters. As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional. Demonstrate that impoundment was created from "waters of the U.S.," or Demonstrate that water meets the criteria for one of the categories presented above (1-6), or Demonstrate that water is isolated with a nexus to commerce (see E below).

 $^{^8} See$ Footnote # 3. 9 To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

E.	ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):10 which are or could be used by interstate or foreign travelers for recreational or other purposes. from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. which are or could be used for industrial purposes by industries in interstate commerce. Interstate isolated waters. Explain: Other factors. Explain: Other factors.
	Identify water body and summarize rationale supporting determination:
	Provide estimates for jurisdictional waters in the review area (check all that apply): Tributary waters: linear feet width (ft). Other non-wetland waters: acres. Identify type(s) of waters: . Wetlands: acres.
F.	NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY): If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements. Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce. Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR). Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: As described in Section III C 1 above, an evaluation of the surface water features within the review area found that they do not possess a significant nexus with the TNW. Other: (explain, if not covered above):
	Provide acreage estimates for non-jurisdictional waters in the review area, where the <u>sole</u> potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply): Non-wetland waters (i.e., rivers, streams): linear feet width (ft). Lakes/ponds: acres. Other non-wetland waters: acres. List type of aquatic resource: . Wetlands: acres.
	Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply): Non-wetland waters (i.e., rivers, streams): 1,661 linear feet, 2' width (ft). Lakes/ponds: acres. Other non-wetland waters: acres. List type of aquatic resource: Wetlands: acres.
SEC	CTION IV: DATA SOURCES.
A. 3	SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below): Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:WestLand Resources, Inc Data sheets prepared/submitted by or on behalf of the applicant/consultant. Office concurs with data sheets/delineation report. Office does not concur with data sheets/delineation report. Data sheets prepared by the Corps: Corps navigable waters' study: U.S. Geological Survey Hydrologic Atlas: USGS NHD data. USGS 8 and 12 digit HUC maps.
	U.S. Geological Survey map(s). Cite scale & quad name: Superior 7.5 Quad. USDA Natural Resources Conservation Service Soil Survey. Citation:

 $^{^{10}}$ Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

	National wetlands inventory map(s). Cite name: .
	State/Local wetland inventory map(s):
	FEMA/FIRM maps: .
	100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
\boxtimes	Photographs: Aerial (Name & Date):Cooper Aerial Imagery; 2010.
	or 🔀 Other (Name & Date):Ground Photos; June 27 through July 20, 2011.
	Previous determination(s). File no. and date of response letter:
	Applicable/supporting case law: .
	Applicable/supporting scientific literature: .
	Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD:

APPROVED JURISDICTIONAL DETERMINATION FORM

U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: $oldsymbol{BACKGROUND}$ INFORMATION
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В.	DISTRICT OFFICE, FILE NAME, AND NUMBER: Los Angeles District, File No. SPL-2009-00315-MB
C.	PROJECT LOCATION AND BACKGROUND INFORMATION: Drainage EP2 State: AZ County/parish/borough: Pinal City: Superior Center coordinates of site (lat/long in degree decimal format): Lat. 33.299165° N, Long 111.057152° W. Universal Transverse Mercator:
	Name of nearest waterbody: Queen Creek
	Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Gila River from Powers Butte to Gillespie Dam
	Name of watershed or Hydrologic Unit Code (HUC): 15050100 Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request. Check if other sites (e.g., offsite mitigation sites, disposal sites, etc) are associated with this action and are recorded on a different JD form.
D.	REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY): Office (Desk) Determination. Date: 07/28/2011 Field Determination. Date(s): 06/27 through 07/01/2011, 07/07,07/08, 07/19 and 07/20/2011
SEO A.	CTION II: SUMMARY OF FINDINGS RHA SECTION 10 DETERMINATION OF JURISDICTION.
	ere Are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the iew area. [Required] Waters subject to the ebb and flow of the tide. Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Explain: Explain:
В.	CWA SECTION 404 DETERMINATION OF JURISDICTION.
The	ere Are no "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]
	 Waters of the U.S. a. Indicate presence of waters of U.S. in review area (check all that apply): 1

TNWs, including territorial seas

Wetlands adjacent to TNWs

Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs

Non-RPWs that flow directly or indirectly into TNWs

Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

Impoundments of jurisdictional waters

Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet: width (ft) and/or acres.

Wetlands: acres.

c. Limits (boundaries) of jurisdiction based on: Pick List Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):³

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: Drainages within the review area are ephemeral, and do not qualify as TNW's or RPW's. Therefore, these drainages would only be considered jurisdictional if they possessed a significant nexus with a TNW. Adjacent wetlands would only be considered jurisdictional if they possessed a significant nexus with a TNW. None of the drainages in the

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.



SECTION III: CWA ANALYSIS

TNIXI

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1.	Identify TNW: .	
	Summarize rationale supporting determination: .	
2.	Wetland adjacent to TNW Summarize rationale supporting conclusion that wetland is "adjacent":	

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:
Watershed size: 49,650 square miles
Drainage area: 0.46 square miles
Average annual rainfall: 18 inches
Average annual snowfall: 1.4 inches
(ii) Physical Characteristics:

(a) Relationship with TNW:
☐ Tributary flows directly into TNW.
☑ Tributary flows through \$\frac{5}{2}\$ tributaries before entering TNW.

Project waters are 30 (or more) river miles from TNW.
Project waters are 30 (or more) aerial (straight) miles from TNW.
Project waters are 30 (or more) aerial (straight) miles from RPW.
Project waters are 30 (or more) aerial (straight) miles from RPW.
Project waters cross or serve as state boundaries. Explain:

.

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

TNW is Queen Creek to the East Maricopa Floodway to the Gila River, and approximately 74 river miles along the Gila to the TNW at Powers Butte. Tributary stream order, if known:
(b) General Tributary Characteristics (check all that apply): Tributary is:
Tributary properties with respect to top of bank (estimate): Average width: 3 feet Average depth: Less than 0.5 feet Average side slopes: Vertical (1.1 or less).
Primary tributary substrate composition (check all that apply): Silts Sands Concrete Cobbles Gravel Muck Bedrock Vegetation. Type/% cover: Other. Explain:
Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Stable. Presence of run/riffle/pool complexes. Explain: Not present. Tributary geometry: Meandering Tributary gradient (approximate average slope): 1 %
(c) Flow: Tributary provides for: Ephemer al flow Estimate average number of flow events in review area/year: 2-5 Describe flow regime: Ephemeral. Other information on duration and volume:
Surface flow is: Confined. Characteristics: .
Subsurface flow: No. Explain findings:
Tributary has (check all that apply): Bed and banks OHWM ⁶ (check all indicators that apply): clear, natural line impressed on the bank changes in the character of soil shelving vegetation matted down, bent, or absent leaf litter disturbed or washed away sediment deposition water staining other (list): Discontinuous OHWM. ⁷ Explain: the presence of litter and debris destruction of terrestrial vegetation the presence of wrack line sediment sorting sediment sorting multiple observed or predicted flow events abrupt change in plant community
If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply): High Tide Line indicated by:
(iii) Chemical Characteristics:

Identify flow route to TNW5: Drainage EP2 discharges directly to Queen Creek. The remainder of the flow route to the

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW. ⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break. ⁷Ibid.

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.). Explain: Unknown. Identify specific pollutants, if known: None.

	(iv) Bic	Riparian corridor. Characteristics (type, average width): Wetland fringe. Characteristics: Habitat for: Federally Listed species. Explain findings: Fish/spawn areas. Explain findings: Other environmentally-sensitive species. Explain findings: Aquatic/wildlife diversity. Explain findings:
2.	Charac	teristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW
		ysical Characteristics: General Wetland Characteristics: Properties: Wetland size: 2.104 acres Wetland type. Explain: Generally, wetlands were dominated by herbaceous vegetation with some woody species. Wetland quality. Explain: Quality was generally poor due to heavy use by cattle (grazing and watering). Species diversity was low. Project wetlands cross or serve as state boundaries. Explain:
	(b)	General Flow Relationship with Non-TNW: Flow is: No Flow. Explain:
		Surface flow is: Discrete and confined Characteristics: .
		Subsurface flow: Unknown. Explain findings:
	(c)	Wetland Adjacency Determination with Non-TNW: ☐ Directly abutting ☐ Discrete wetland hydrologic connection. Explain: ☐ Ecological connection. Explain: ☐ Separated by berm/barrier. Explain:
	(d)	Proximity (Relationship) to TNW Project wetlands are 30 (or more) river miles from TNW. Project waters are 30 (or more) aerial (straight) miles from TNW. Flow is from: No Flow. Estimate approximate location of wetland as within the 500-year or greater floodplain.
	Ch	nemical Characteristics: aracterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: unknown. entify specific pollutants, if known:
	(iii) Bio	Pological Characteristics. Wetland supports (check all that apply): Riparian buffer. Characteristics (type, average width): Vegetation type/percent cover. Explain: Herbaceous, some woody species. Percent cover varies. Habitat for: Federally Listed species. Explain findings: Fish/spawn areas. Explain findings: Other environmentally-sensitive species. Explain findings: Aquatic/wildlife diversity. Explain findings:
3.	Al	teristics of all wetlands adjacent to the tributary (if any) l wetland(s) being considered in the cumulative analysis: proximately (2.10) acres in total are being considered in the cumulative analysis.

ED_013248_00000874-00188

For each wetland, specify the following:

Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)
Y	2.07		
Y	0.03		

Summarize overall biological, chemical and physical functions being performed: Unknown.

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook, Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
- Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: Drainage EP2 is located approximately 125 river miles from the nearest TNW, the Gila River between Powers Butte and Gillespie Dam. Evaluation of potential stormwater discharges from the Analysis Area, the hydrological characteristics of the downstream flowpath, the presence of significant impoundments in this flowpath, and the distance to the TNW suggests that no hydrologic connection exists between these Analysis Area drainages and the TNW. Although historic mining activities in the Analysis Area may have contributed to the impairment of Queen Creek for copper, reclamation activities and stormwater controls have significantly reduced or eliminated the discharge of pollutants to downstream receiving waters from this area. However, the reach of the Gila River between the Salt River and Waterman Wash has been sampled for copper, and no exceedances of copper concentrations were identified as part of this sampling effort. As no sources of those pollutants causing the impairment of the downstream TNW reach of the Gila River (which are tied to agricultural runoff) have been identified in the Analysis Area, there does not appear to be a chemical nexus between these drainages and the TNW. Additionally, the Analysis Area drainages do not provide lifecycle support functions, nutrients, or organic carbon to species within the TNW. Drainage EP2, in conjunction with its adjacent wetlands. Wetlands 6 and 7, does not have a more than speculative or insubstantial effect on the physical, chemical, and/or biological integrity of the TNW. Therefore the Analysis Area surface water features do not possess a significant nexus to the TNW reach of the Gila River between Powers Butte and Gillespie Dam, and are not jursidicational under Section 404 of the Clean Water Act.
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
- D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1.	TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area: TNWs: linear feet width (ft), Or, acres. Wetlands adjacent to TNWs: acres.
2.	RPWs that flow directly or indirectly into TNWs. Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:
	Provide estimates for jurisdictional waters in the review area (check all that apply): Tributary waters: linear feet width (ft). Other non-wetland waters: acres. Identify type(s) of waters: .
3.	Non-RPWs ⁸ that flow directly or indirectly into TNWs. Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.
	Provide estimates for jurisdictional waters within the review area (check all that apply): Tributary waters: linear feet width (ft). Other non-wetland waters: acres. Identify type(s) of waters: .
4.	Wetlands directly abutting an RPW that flow directly or indirectly into TNWs. Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands. Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:
	Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:
	Provide acreage estimates for jurisdictional wetlands in the review area: acres.
5.	Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs. Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C.
	Provide acreage estimates for jurisdictional wetlands in the review area: acres.
6.	Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs. Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.
	Provide estimates for jurisdictional wetlands in the review area: acres.
7.	As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional. Demonstrate that impoundment was created from "waters of the U.S.," or Demonstrate that water meets the criteria for one of the categories presented above (1-6), or Demonstrate that water is isolated with a nexus to commerce (see E below).

 $^{^8} See$ Footnote # 3. 9 To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

E.	ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY): 10 which are or could be used by interstate or foreign travelers for recreational or other purposes. from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. which are or could be used for industrial purposes by industries in interstate commerce. Interstate isolated waters. Explain: Other factors. Explain:
	Identify water body and summarize rationale supporting determination:
	Provide estimates for jurisdictional waters in the review area (check all that apply): Tributary waters: linear feet width (ft). Other non-wetland waters: acres. Identify type(s) of waters: . Wetlands: acres.
F.	NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY): If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements. Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce. Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR). Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: As described in Section III C 1 above, an evaluation of the surface water features within the review area found that they do not possess a significant nexus with the TNW. Other: (explain, if not covered above):
	Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply): Non-wetland waters (i.e., rivers, streams): linear feet width (ft). Lakes/ponds: acres. Other non-wetland waters: acres. List type of aquatic resource: . Wetlands: acres.
	Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply): Non-wetland waters (i.e., rivers, streams): 8,351 linear feet, 3' width (ft). Lakes/ponds: acres. Other non-wetland waters: acres. List type of aquatic resource: Wetlands: 2.104 acres.
SEC	CTION IV: DATA SOURCES.
A.	SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below): Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:WestLand Resources, Inc Data sheets prepared/submitted by or on behalf of the applicant/consultant. Office concurs with data sheets/delineation report. Office does not concur with data sheets/delineation report. Data sheets prepared by the Corps: Corps navigable waters' study: U.S. Geological Survey Hydrologic Atlas: USGS NHD data. USGS 8 and 12 digit HUC maps.
	U.S. Geological Survey map(s). Cite scale & quad name: Superior 7.5 Quad.

 $^{^{10}}$ Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA $Memorandum\ Regarding\ CWA\ Act\ Jurisdiction\ Following\ Rapanos.$

	USDA Natural Resources Conservation Service Soil Survey. Citation: .
	National wetlands inventory map(s). Cite name: .
	State/Local wetland inventory map(s):
	FEMA/FIRM maps: .
	100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
\boxtimes	Photographs: Aerial (Name & Date):Cooper Aerial Imagery; 2010.
	or 🛛 Other (Name & Date):Ground Photos; June 27 through July 20, 2011.
	Previous determination(s). File no. and date of response letter:
	Applicable/supporting case law: .
	Applicable/supporting scientific literature: .
	Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD: .

APPROVED JURISDICTIONAL DETERMINATION FORM

U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

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Α	REPORT COMPLETION DATE F	OD ADDDOVED HIL	DICDICTIONAL DET	CEDMINIATION (ID).	. 07/20/201
Α.	REPORT COMPLETION DATE F	OK APPKOVEDJUI	KISDIC HUNAL DE I	EKMINATION UDI:	. 07/20/201.

В.	DISTRICT OFFICE, FILE NAME, AND NUMBER: Los Angeles District, File No. SPL-2009-00315-MB
C.	PROJECT LOCATION AND BACKGROUND INFORMATION: Wetland 9 State: AZ County/parish/borough: Pinal City: Superior Center coordinates of site (lat/long in degree decimal format): Lat. 33.299165° N. Long111.057152° W. Universal Transverse Mercator:
	Name of nearest waterbody: Queen Creek
	Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Gila River from Powers Butte to Gillespie
	Dam Name of watershed or Hydrologic Unit Code (HUC): 15050100 Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request. Check if other sites (e.g., offsite mitigation sites, disposal sites, etc) are associated with this action and are recorded on a different JD form.
D.	REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):
	Office (Desk) Determination. Date: 07/28/2011
	Field Determination. Date(s): 06/27 through 07/01/2011, 07/07,07/08, 07/19 and 07/20/2011
er.	CTION II. GUMMADY OF FINISHOG
A.	<u>CTION II: SUMMARY OF FINDINGS</u> RHA SECTION 10 DETERMINATION OF JURISDICTION.
	ere Are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the ew area. [Required]
	Waters subject to the ebb and flow of the tide.
	Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Explain:
В. (CWA SECTION 404 DETERMINATION OF JURISDICTION.
The	ere Are no "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]
	1. Waters of the U.S.
	a. Indicate presence of waters of U.S. in review area (check all that apply): 1
	TNWs, including territorial seas
	Wetlands adjacent to TNWs
	Relatively permanent waters ² (RPWs) that flow directly or indirectly into TNWs
	Non-RPWs that flow directly or indirectly into TNWs Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
	Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
	the state of the s

b. Identify (estimate) size of waters of the U.S. in the review area: Non-wetland waters: linear feet: width (ft) and/or

Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

Isolated (interstate or intrastate) waters, including isolated wetlands

Wetlands: acres.

c. Limits (boundaries) of jurisdiction based on: Pick List Elevation of established OHWM (if known):

Impoundments of jurisdictional waters

2. Non-regulated waters/wetlands (check if applicable):³

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: The wetland considered here is isolated with no nexus to interstate commerce, and are therfore non-jurisdictional.

acres.

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

TAINI

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs.	. If the aquatic resource is a TNW, complete
Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adja	cent to a TNW, complete Sections III.A.1 and 2
and Section III.D.1.; otherwise, see Section III.B below.	

1.	Identify TNW: .	
	Summarize rationale supporting determination:	
2.	Wetland adjacent to TNW Summarize rationale supporting conclusion that wetland is "adjacent":	

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(1)	General Area Conditions:
	Watershed size: 49,650 square miles
	Drainage area: 0.194 acres
	Average annual rainfall: inches
	Average annual snowfall: inches
(ii)	Physical Characteristics:
. ,	(a) Relationship with TNW:
	Tributary flows directly into TNW.
	Tributary flows through Pick List tributaries before entering TNW
	Project waters are Pick List river miles from TNW.
	Project waters are Pick List river miles from RPW.
	Project waters are Pick List aerial (straight) miles from TNW.
	Project waters are Pick List aerial (straight) miles from RPW.
	Project waters cross or serve as state boundaries. Explain: .
	Identify flow route to TNW ⁵ :
	Tributary stream order, if known:

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

	(b)	General Tributary Characteristics (check all that apply): Tributary is: Natural Artificial (man-made). Explain: Manipulated (man-altered). Explain:
		Tributary properties with respect to top of bank (estimate): Average width: feet Average depth: feet Average side slopes: Pick List.
		Primary tributary substrate composition (check all that apply): Silts Sands Concrete Cobbles Gravel Muck Bedrock Vegetation. Type/% cover: Other. Explain:
		Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Presence of run/riffle/pool complexes. Explain: Tributary geometry: Pick List Tributary gradient (approximate average slope): %
	(c)	Flow: Tributary provides for: Pick List Estimate average number of flow events in review area/year: Pick List Describe flow regime: Ephemeral. Other information on duration and volume:
		Surface flow is: Pick List. Characteristics: .
		Subsurface flow: Pick List. Explain findings: Dye (or other) test performed:
		Tributary has (check all that apply): Bed and banks OHWM6 (check all indicators that apply): clear, natural line impressed on the bank changes in the character of soil destruction of terrestrial vegetation the presence of wrack line vegetation matted down, bent, or absent leaf litter disturbed or washed away sediment deposition destruction of terrestrial vegetation the presence of wrack line sediment sorting sediment sorting multiple observed or predicted flow events abrupt change in plant community other (list): Discontinuous OHWM.7 Explain:
		If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply): High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics physical markings/characteristics tidal gauges other (list): Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types.
(iii)	Cha	emical Characteristics: racterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.). Explain: Unknown. tify specific pollutants, if known: None.

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break. ⁷Ibid.

	(iv) Bic	logical Characteristics. Channel supports (check all that apply): Riparian corridor. Characteristics (type, average width): Wetland fringe. Characteristics: Habitat for: Federally Listed species. Explain findings: Fish/spawn areas. Explain findings: Other environmentally-sensitive species. Explain findings: Aquatic/wildlife diversity. Explain findings:
2.	Charac	teristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW
		ysical Characteristics: General Wetland Characteristics: Properties: Wetland size: acres Wetland type. Explain: Wetland quality. Explain: Project wetlands cross or serve as state boundaries. Explain:
	(b)	General Flow Relationship with Non-TNW: Flow is: Pick List. Explain:
		Surface flow is: Pick List Characteristics: .
		Subsurface flow: Pick List. Explain findings: Dye (or other) test performed:
	(c)	Wetland Adjacency Determination with Non-TNW: ☐ Directly abutting ☐ Not directly abutting ☐ Discrete wetland hydrologic connection. Explain: ☐ Ecological connection. Explain: ☐ Separated by berm/barrier. Explain:
	(d)	Proximity (Relationship) to TNW Project wetlands are Pick List river miles from TNW. Project waters are Pick List aerial (straight) miles from TNW. Flow is from: Pick List. Estimate approximate location of wetland as within the Pick List floodplain.
	Ch	emical Characteristics: aracterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: Unknown. ntify specific pollutants, if known:
	(iii) Bio	Riparian buffer. Characteristics (type, average width): Vegetation type/percent cover. Explain: Habitat for: Federally Listed species. Explain findings: Fish/spawn areas. Explain findings: Other environmentally-sensitive species. Explain findings: Aquatic/wildlife diversity. Explain findings:
3.	All	teristics of all wetlands adjacent to the tributary (if any) wetland(s) being considered in the cumulative analysis: Pick List proximately () acres in total are being considered in the cumulative analysis.

Directly abuts? (Y/N) Size (in acres) Directly abuts? (Y/N) Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D.	DETERMINATIONS OF JURISDICTIONAL FINDINGS.	THE SUBJECT	WATERS/WETLANDS ARE	: (CHECK ALL
	THAT APPLY):			

l.	TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area: TNWs: linear feet width (ft), Or, acres. Wetlands adjacent to TNWs: acres.
2.	RPWs that flow directly or indirectly into TNWs. Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

	Provide estimates for jurisdictional waters in the review area (check all that apply): Tributary waters: linear feet width (ft). Other non-wetland waters: acres. Identify type(s) of waters: .
	Non-RPWs ⁸ that flow directly or indirectly into TNWs. Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.
	Provide estimates for jurisdictional waters within the review area (check all that apply): Tributary waters: linear feet width (ft). Other non-wetland waters: acres. Identify type(s) of waters: .
4.	Wetlands directly abutting an RPW that flow directly or indirectly into TNWs. Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands. Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:
	Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:
	Provide acreage estimates for jurisdictional wetlands in the review area: acres.
5.	Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs. Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C.
	Provide acreage estimates for jurisdictional wetlands in the review area: acres.
6.	Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs. Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.
	Provide estimates for jurisdictional wetlands in the review area: acres.
	Impoundments of jurisdictional waters. ⁹ As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional. Demonstrate that impoundment was created from "waters of the U.S.," or Demonstrate that water meets the criteria for one of the categories presented above (1-6), or Demonstrate that water is isolated with a nexus to commerce (see E below).
DEG SUC: W fi	LATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, RADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY H WATERS (CHECK ALL THAT APPLY): 10 which are or could be used by interstate or foreign travelers for recreational or other purposes. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce. Which are or could be used for industrial purposes by industries in interstate commerce. Interstate isolated waters. Explain: Other factors. Explain:
Iden	tify water body and summarize rationale supporting determination:

Ε.

See Footnote # 3.
 To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.
 Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

	Provide estimates for jurisdictional waters in the review area (check all that apply): Tributary waters: linear feet width (ft). Other non-wetland waters: acres. Identify type(s) of waters: . Wetlands: acres.
F.	NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY): If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements. Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce. Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR). Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: Other: (explain, if not covered above):
	Provide acreage estimates for non-jurisdictional waters in the review area, where the <u>sole</u> potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply): Non-wetland waters (i.e., rivers, streams): linear feet width (ft). Lakes/ponds: acres. Other non-wetland waters: acres. List type of aquatic resource: . Wetlands: 0.194 acres.
	Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply): Non-wetland waters (i.e., rivers, streams): linear feet, width (ft). Lakes/ponds: acres. Other non-wetland waters: acres. List type of aquatic resource: Wetlands: acres.
SE	CTION IV: DATA SOURCES.
A.	SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below): Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:WestLand Resources, Inc Data sheets prepared/submitted by or on behalf of the applicant/consultant. Office concurs with data sheets/delineation report. Office does not concur with data sheets/delineation report. Data sheets prepared by the Corps: Corps navigable waters' study: U.S. Geological Survey Hydrologic Atlas: USGS NHD data. USGS 8 and 12 digit HUC maps. U.S. Geological Survey map(s). Cite scale & quad name:Superior 7.5 Quad. USDA Natural Resources Conservation Service Soil Survey. Citation: National wetlands inventory map(s). State/Local wetland inventory map(s): FEMA/FIRM maps: 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929) Photographs: Aerial (Name & Date):Cooper Aerial Imagery; 2010. or Other (Name & Date):Ground Photos; June 27 through July 20, 2011. Previous determination(s). File no. and date of response letter: Applicable/supporting case law: Applicable/supporting scientific literature: Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD:

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